
**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English/
anglais/
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

REPUBLIC OF KOREA

The present document reproduces the text¹ of the Computer Programs Protection Act and the Enforcement Decree of the Computer Programs Protection Act, as notified by the Republic of Korea under Article 63.2 of the Agreement (see document IP/N/1/KOR/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

RÉPUBLIQUE DE CORÉE

Le présent document contient le texte¹ de la Loi sur la protection des programmes d'ordinateur et du Décret d'application y relatif, notifiés par la République de Corée au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/KOR/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD
INTELLECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2
DEL ARTÍCULO 63 DEL ACUERDO**

REPÚBLICA DE COREA

En el presente documento se reproduce el texto¹ de la Ley de Protección de Programas Informáticos y de su Decreto de aplicación, notificados por la República de Corea de conformidad con el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/KOR/1).

¹ In English only./En anglais seulement./En inglés solamente

COMPUTER PROGRAMS PROTECTION ACT

Act no. 3920. Dec. 31. 1986
As last Amended by Act no. 5605. Dec. 30. 1998

CHAPTER I. GENERAL PROVISIONS	3
Article 1 Purpose.....	3
Article 2 Definition.....	3
Article 3 Programs of Foreigner.....	3
Article 4 Exclusion from Application.....	4
Article 5 Derivative Program.....	4
CHAPTER II. PROGRAM COPYRIGHT	4
Article 6 Presumption of Program Author.....	4
Article 7 Author of Program Created in Service.....	4
Article 8 Program Copyright.....	5
Article 9 Right to Disclose.....	5
Article 10 Right to Indicate Name.....	5
Article 11 Right to Maintain Identity.....	5
Article 12 Restriction on Program Copyright).....	6
Article 12-2 Payment of Compensation Due to Insertion in Textbooks.....	6
Article 13 Reproduction, etc. by Program User).....	7
Article 14 Transfer of Program Copyright.....	7
Article 15 Jointly Created Program.....	7
Article 16 Permission to use Program.....	7
Article 16-2 Offer of Program to Transaction.....	8
Article 17 Use of Program, Copyright Owner of which is unknown.....	8
Article 19 Exercise, etc. of Program Copyright which is Object of Pledge Rights.....	8
Article 20 Extinction of Program Copyright.....	8
CHAPTER III. REGISTRATION	9
Article 21 Registration of Program.....	9
Article 22 Presentation of Program.....	9
Article 23 Duty to Maintenance Secret.....	10
Article 24 Registration of Program Copyright.....	10

CHAPTER IV REDRESS FOR INFRINGEMENT OF RIGHTS	10
Article 25 Request for Suspension, etc. of Infringement	10
Article 26 Act to be considered as Infringement	10
Article 27 Claim for Damages	11
Article 28 Infringement of Jointly Created Program	11
CHAPTER V PROGRAM DELIBERATION AND MEDIATION COMMITTEE	11
Article 29 Program Deliberation and Mediation Committee	11
Article 29-2 Function	12
Article 29-3 Mediation Division	12
Article 29-4 Request, etc. for Mediation	12
Article 29-5 Demand for Attendance	13
Article 29-6 Materialization of Mediation	13
Article 29-7 Expenses for Mediation	13
Article 29-8 Organization, etc. of Committee	13
Article 29-9 Assistance of Expenses	13
CHAPTER VI SUPPLEMENTARY PROVISIONS	14
Article 30 Consultation with Ministries or Agencies concerned	14
Article 31 Relation with Other Acts	14
Article 32 Delegation of Authority	14
Article 33 Supporting Policy	14
Article 33-2 Designation, etc. of Program Copyright Agency	14
CHAPTER VII PENAL PROVISIONS	15
Article 34 Penal Provisions	15
Article 35 Joint Penal Provisions	16
Article 36 Accusation	16
Article 37 Legal Fiction as Public Official in Application of Penal Provisions	16
ADDENDA	16
ADDENDA <Act No. 4183, Dec. 30, 1989>	16
ADDENDA <Act No. 4541, Mar. 6, 1993>	16
ADDENDUM <Act No. 4712, Jan. 5, 1994>	17
ADDENDUM <Act No. 4996, Dec. 6, 1995>	17
ADDENDUM <Act No. 5605, Dec. 30, 1998>	17

CHAPTER I GENERAL PROVISIONS

Article 1 Purpose

The Purpose of this Act is contribute to the development of the national economy by protecting the author's rights of computer program works(hereinafter referred to as "program") and striving for fair use of programs, and by promoting the programs-related industry and technology.

Article 2 Definition

For the purpose of this Act, the definitions of terms shall be as follows;
<Amended by Act No. 5605. Dec. 30. 1998>

1. The term "programs" means creative works expressed as a series of instructions and commands used directly or indirectly in an apparatus having data processing capacity such as a computer, etc.(hereinafter referred to as "computer"). for the purpose of obtaining a certain result;
2. The term "program author" means a person who has created a program;
3. The term "reproduction" means any act of reproducing a program by fixing it in a tangible medium without addition of any novel creativity;
4. The term "adaptation" means any act of creating a new program using the whole or significant part of a series of instructions and commands from another original program;
5. The term "derivative program" means a program adapted from the original;
6. The term "disclosure" means any act of publishing a program or presenting it to a specified person or many unspecified persons(hereinafter referred to as the "public");
7. The term "publication" means any act of reproducing or distributing a program in order to meet the demand of the public;
8. The term "distribution" means any act of transferring or lending an original program or its reproduction to the public;
9. The term "transmission" means any act of transmitting a program or providing it for use by means of wireless or wire communications in order that the public may receive or use it; and<Enforcement Date : Jan. 1. 2000>
10. The term "copyright management information" means any information on a program, an author thereof, a holder of a right there to, and a method and condition of use thereof which is included in an original program or its reproductions or indicated in connection with any transmission, and a numeral or mark indication such information<Enforcement Date Jan, 1. 2000>

Article 3 Programs of Foreigner

- (1) Programs of foreigners (including foreign juristic persons; hereinafter in this Article the same shall apply) shall be protected according to the treaty which

the Republic of Korea has joined or signed.

(2) Programs which are created by a foreign juristic person having a principal office in the Republic of Korea, and those which are published firstly by a foreigner in the Republic of Korea (including programs published in the Republic of Korea within thirty days from the day on which the programs are published in a foreign country), shall be protected under this Act.

(3) Even though a foreigner's program falls under Paragraphs (1) and (2), if the foreign country to which the foreigner belongs, does not protect programs of nationals of the Republic of Korea, the protection under the treaty or this Act may be restricted correspondingly.

Article 4 Exclusion from Application

(1) The provisions of this Act shall not be applicable to the program languages, rules and algorithms used for preparing a program.

(2) For the purpose of Paragraph (1),

1. the term "program languages" means characters, codes and system thereof as means to express a program;

2. the term "rules" means a special promise on the usage of program language in a specified program; and

3. the term "algorithms" means a method of combining instructions and commands in a program.

Article 5 Derivative Program

Derivative programs shall be protected as an independent program.

CHAPTER II PROGRAM COPYRIGHT

Article 6 Presumption of Program Author

(1) Any person whose name (hereinafter referred to as "real name") or well-known pen name, abbreviation, etc. (hereinafter referred to as "nickname") as a program author is indicated in a general manner on the original program or its reproduction, or in disclosing the program, shall be presumed to be the program author.

(2) In case of a program without indication of the program author under Paragraph (1), the person who discloses or publishes it, shall be presumed to have the copyright of the program.

Article 7 Author of Program Created in Service

With respect to a program created in the course of service by a person engaging in services of the State, corporation, organization or other employer (hereinafter in this Article referred to as "corporation, etc.") under a planning of the corporation, etc., the author of such program shall be the corporation, etc. unless the contract, service regulation, etc. provides otherwise. <Amended by ActNo. 4712, Jan. 5, 1994>

Article 8 Program Copyright

(1) The program author shall have the rights as provided in Articles 9 through 11 and the rights to reproduce, adapt, translate, distribute, publish and transmit a program <Amended by Act No. 5605, Dec. 30, 1998>

(2) The program copyright shall originate from the time on which the program is created, and it shall not be required to fulfill any procedure or formality.

(3) The program copyright shall be maintained for fifty years from the year following the year in which the program is published: Provided, That if it is not published within fifty years after it is created, it shall be maintained for fifty years from the year following the year in which it is created.<Amended by Act No. 4996, Dec. 6, 1995>

Article 9 Right to Disclose

(1) The program author shall have a right to decide whether he discloses the program or not.

(2) If a program author has transferred or lent a program which is not disclosed, or he has consented to use it under Article 16, he shall be considered to have given his consent to the other party on the disclosure of the program, unless there is any special agreement.

(3) If a derivative program created with the consent of the original program author has been disclosed, only that part of the original program which is quoted for an adaptation shall be considered to have been disclosed.

Article 10 Right to Indicate Name

(1) The program author shall have the right to indicate his real name or nickname on the program or its reproduction, or in disclosing the program.

(2) Any person who uses a program, shall indicate the real name or nickname of the program author under the conditions as indicated by the program author unless the program author expresses a special intention.

Article 11 Right to Maintain Identity

Except as prescribed in the following Subparagraphs, the program author shall have the right to maintain the identity of the title, contents and form of his program:

1. Modification of a program unusable in any computer other than a specific one so as to be usable in other computers in the limit as required therefor;
2. Modification of a program so as to be used more effectively in a specific computer in the limit as required therefor; and
3. Modification in the limit as deemed inevitable in light of the nature of a program or the purpose of use thereof.

Article 12 Restriction on Program Copyright)

In the cases of any of the following subparagraphs, anyone may reproduce or use the disclosed program within the scope necessary for the purpose:<Amended by Act No. 4996, Dec. 6, 1995; Act No. 5605, Dec. 30, 1998>

1. Where it is required for a trial;
2. Where an educator in a school as prescribed in the Elementary and Secondary Education Act or the Higher Education Act or educational institutions established under other Acts (limited to an educational institution for which the scholastic ability for admission to a higher grade school is recognized or which grants a degree) reproduces or uses the disclosed program for educational purpose in a class within the scope of not infringing unreasonably on the interests of a program copyright owner in consideration of the classification and use of the program concerned, the relative importance of the reproduced part to the whole program, and the number and nature of the reproductions;
3. Where it is inserted in books for curricula which are necessary for educational purpose in high schools and equivalent schools or lower level; and
4. Where it is reproduced or used for the individual purpose (excluding the case of profit-making purpose) in a limited place like a home; and
5. Where it is aimed at any examination for an entrance to school, or other test or inspection regarding knowledge and skill (excluding the case of profit-making purpose)

Article 12-2 Payment of Compensation Due to Insertion in Textbooks

(1) A person who intends to insert a program in textbooks under subparagraph 3 of Article 12 shall pay or deposit compensation as determined by the Minister of Information and Communication via the deliberation of the Program Deliberation and Mediation Committee as prescribed in Article 29 to a program copyright owner within thirty days from the day when the amount of the compensation is determined.

(2) Matters necessary for the determination of compensation as prescribed in paragraph (1) shall be prescribed by the Presidential Decree.

[This Article newly Inserted by Act No. 5605, Dec. 30, 1998]

Article 13 Reproduction, etc. by Program User)

(1) Any person who possesses and uses reproductions of a program under a proper title, may reproduce the reproduction in the limit necessary for meeting with the destruction, damage, alteration, etc. of the reproduction.

(2) If a person who possesses and uses reproductions of a program, has lost the right to possess and use it, he shall destruct the reproduction which was made under Paragraph (1), unless the program copyright owner manifests other intentions: Provided, That if the right to possess and use the reproduction of a program is lost due to the destruction of it, this provision shall not be applicable.

Article 14 Transfer of Program Copyright

Program copyright may be transferred in whole or in part.

Article 15 Jointly Created Program

(1) The copyright of a program which is created jointly by two or more persons, and unusable with parts contributed by each person separated (hereinafter referred to as "jointly created program"), shall be owned jointly by those who create it jointly, and their portions of co-ownership shall be considered to be equal unless there is any special agreement among them.

(2) The copyright of a jointly created program shall not be exercised without an agreement of all the copyright co-owners, and each co-owner shall not transfer his portion or make it an object of the pledge right without consent of other co-owners. In this case, each co-owner shall not prevent them from reaching an agreement or refuse his consent, contrary to good faith.

(3) If one of the jointly created program copyright co-owners has died without leaving an heir, or gives up his portion, the portion shall be distributed to other co-owners in proportion to their portions.

Article 16 Permission to use Program

(1) The program copyright owner may permit other persons to use his program.

(2) Any person who is permitted to use the program under Paragraph (1), may use it within the limit of permitted use methods and conditions, and may not transfer the right to use to a third person without consent of the program copyright owner.

Article 16-2 Offer of Program to Transaction

(1) In the event that any original program or reproduction thereof is offered to a transaction by a way of sales, with the permission of the program copyright owner, it may be distributed continuously.

(2) Notwithstanding the provisions of Paragraph (1), if any program for sale is lent with a profit-making intention, it shall be permitted by the program copyright owner.

[This Article Newly Inserted by Act No. 4712, Jan. 5, 1994]

Article 17 Use of Program, Copyright Owner of which is unknown

(1) In cases where a person who desires to use a program is unable to receive permission for use from the program copyright owner because he does not know the program copyright owner or his residence, for all his considerable efforts, he may use it after depositing the amount notified publicly by the Minister of Information and Communication for the program copyright owner within thirty days from the day when he obtains the approval of the Minister of Information and Communication via the deliberation of the Program Deliberation and Mediation Committee as prescribed in Article 29 after obtaining the said approval under the Presidential Decree <Amended by Act No. 4996, Dec. 6, 1995; Act No. 5605, Dec. 30, 1998>

(2) The contents that the Minister of Information and Communication has approved and the date of approval shall be indicated on the reproduction of program used under paragraph(1) <Amended by Act No. 4996, Dec. 6, 1995>

Article 18 Promotion of Program Circulation) If a program copyright owner receives a request of a program end-user in good faith for an offer to use the program which is already published and in circulation, he shall cooperate with it unless there is any justifiable reason.

Article 19 Exercise, etc. of Program Copyright which is Object of Pledge Rights

(1) The program copyright which is the object of the pledge rights, shall be exercised by the program copyright owner unless there is any special agreement in the act establishing such pledge rights.

(2) The pledge rights, the object of which is the program copyright, may also be exercised on money or other things to be paid to the program copyright owner by a transfer of the program copyright, transfer or lending of the program, and permission of use under Article 16: Provided, That the money or things to be paid shall be seized before a payment or delivery of things.

Article 20 Extinction of Program Copyright

The program copyright shall be extinguished in the following subparagraphs:

1. Where the program copyright owner has died without leaving an heir, and his rights are reverted to the State under the provisions of the Civil Code and other laws; and
2. Where a juristic person or organization which is the program copyright owner, is dissolved, and its rights are reverted to the State under the provisions of the Civil Act and other Acts

CHAPTER III REGISTRATION

Article 21 Registration of Program

(1) The program author may register the following matters, unless it has elapsed one year after creation of the program:

1. Denomination or title of the program;
2. Nationality, real name and residence of the program author;
3. Date of creation of the program; and
4. Outline of the program.

(2) If the program author has died, the person designated by his will, or his heir may make the registration as referred to in Paragraph (1), unless the author manifests any special intention.

(3) The registration as provided in paragraph (1) shall be exercised by the Minister of Information and Communication after recording it in the program register. <Amended by Act No. 4996, Dec. 6, 1995>

(4) The matters necessary for the registration of a program, the public bulletin of program for the registered program under the provisions of paragraph (1), and notify publicly the fact of such registration <Amended by Act No. 4996, Dec. 6, 1995>

(5) The matters necessary for the registration of a program, the public bulletin of program, the perusal of the program register and the request of its copy delivery, etc.. shall be prescribed by the Presidential Decree. <Amended by Act No. 4996, Dec. 6, 1995>

(6) Any person who desires to register the program, the perusal of the program register and copy delivery of a program shall pay the fee as prescribed by the Ordinance of the Ministry of Information and Communication <Newly Inserted by Act No. 4996, Dec. 6, 1995>

Article 22 Presentation of Program

(1) Any person who makes a registration under the provisions of Article 21 (1) and (2) shall present a reproduction of the program to the Minister of Information and Communication at the time of registration <Amended by Act No. 4996, Dec. 6, 1995>

(2) In cases where there is a presentation under the provisions of paragraph (1),

any registered program shall be presumed to be created on the registered creation date

(3) Matters necessary for presentation of the program shall be determined by the Presidential Decree.

Article 23 Duty to Maintenance Secret

Any public official who is engaged in affairs to manage reproductions of programs presented under Article 22, or any person who was in such position, shall not divulge to other persons a secret which he acquired in the course of his duties.

Article 24 Registration of Program Copyright

(1) If the matters falling under any of the following subparagraphs are not registered, it shall not oppose to a third party:

1. Transfer (excluding cases of inheritance and other general succession) or restriction on disposal of program copyright; and

2. Establishment, transfer, modification, extinction or disposal restriction of the pledge right the object of which is the program copyright.

(2) The provisions of Article 21 (3) through (6) shall apply mutatis mutandis to the registration of a program copyright as prescribed in paragraph (1) of this Article. In this case, the term "program" shall be deemed to be "program copyright", and the term "program register" shall be deemed to be "program copyright register". <Newly Inserted by Act No. 5605, Dec. 30, 1998>

CHAPTER IV REDRESS FOR INFRINGEMENT OF RIGHTS

Article 25 Request for Suspension, etc. of Infringement

(1) The program copyright owner may request a person who infringes or may infringe his right to suspend or prevent the infringement.

(2) The program copyright owner may, upon making a request under Paragraph (1), request together with it to destroy articles made by and instruments, etc. provided for the act of infringement, or to take other measures necessary for preventing the infringement.

Article 26 Act to be considered as Infringement

Any act falling under any of the following subparagraphs, shall be considered as one infringing the program copyright concerned:

1. An act which imports any program infringing the program copyright for the purpose of distribution in Korea, if it had been made in Korea at the time of import;

2. An act of a person who uses any reproduction of a program made by an act infringing the program copyright (including any imported program as referred to in subparagraph 1) in a computer for his business, through he has know the fact; and

3. An act of intentional and unauthorized elimination or modification of electronic copyright management information, or intentional and unauthorized distribution of original programs or reproductions or importation or transmission thereof for the purpose of distribution. <<Enforcement Date : Jan. 1, 2000>>

[This Article Wholly Amended by Act No. 4712, Jan. 5, 1994]

Article 27 Claim for Damages

(1) The program copyright owner may make a claim for damages against the person who has infringed his rights on purpose or by fault.

(2) Any person who has infringed a registered program copyright of another person, shall be presumed to be negligent in his act of infringement.

(3) The amount of profit which a person infringing the program copyright has realized by his act of infringement, shall be presumed to be the amount of loss which the program copyright owner has sustained.

(4) The program copyright owner may claim as damages the amount corresponding to that gainable ordinarily through the exercise of his right, in addition to damages as referred to in Paragraph (3).

(5) If the occurrence of damages is acknowledge but it is difficult to calculate the amount of damages as prescribed in paragraphs (3) and (4), a court may admit a reasonable amount of damages in consideration of the testimony and the examination of evidence <Newly Inserted by Act No. 5605, Dec 30, 1998>

Article 28 Infringement of Jointly Created Program

Each author or copyright owner of a jointly created program may make a claim under Article 25 without consent of other authors or copyright owners, and may claim damages under Article 27 to his portion with respect to the infringement of his program copyright.

CHAPTER V PROGRAM DELIBERATION AND MEDIATION COMMITTEE

Article 29 Program Deliberation and Mediation Committee

(1) In order to deliberate matters concerning the program copyright, and

mediate any dispute on the right protected under this Act (hereinafter referred to as "dispute"), the Program Deliberation and Mediation Committee (hereinafter referred to as "Committee") shall be established.

(2) The Committee shall be composed of ten to fifteen members of deliberation and mediation (hereinafter referred to as "members"), including the chairman.

(3) The members shall be selected from among those who have learning and experience in programs and copyright, by the Minister of Information and Communication and the chairman shall be nominated by the Minister of Information and Communication from among the members.<Amended by Act No. 4996, Dec. 6, 1995>

(4) The term of members shall be three years: Provided, That of any members who are commissioned with their positions designated, shall be the period in which they are in such positions.

(5) In case there is a vacancy in members, a supplementary member shall be commissioned under the provisions of paragraph (3), and the term of such supplementary member shall be the remaining period of his predecessor's term

[This Article Wholly Amended by ActNo. 4712, Jan. 5, 1994]

Article 29-2 Function

The committee shall deliberate on the policy matters concerning the protection of the program copyright such as matters concerning a compensation as prescribed in Articles 12-2(1) and 17 (1), technical matters, and other matters as prescribed by the Presidential Decree in addition to mediations of disputes <Amended by Act No. 5605, Dec. 30, 1998>

[This Article Newly Inserted by Act No. 4712, Jan. 5, 1994]

Article 29-3 Mediation Division

In order to carry out efficiently the dispute mediation services of the Committee, the Mediation Division composed of three members shall be established in the Committee, but one of them shall be qualified for the lawyer.

[This Article Newly Inserted by Act No. 4712, Jan. 5, 1994]

Article 29-4 Request, etc. for Mediation

(1) Any person who desires to have any dispute mediated, may request a mediation of the dispute by filing a written request specifying the purpose and cause of request, with the Committee.

(2) The mediation of a dispute as referred to in Paragraph (1) shall be rendered by the Mediation Division as prescribed in Article 29-3.

(3) The Committee shall make mediation within three months after mediation is requested : Provided, That if there exists any special reason, it may extend the three month period only one time within the limit of one month with the consent

of both interested parties. <Amended by Act No. 5605, Dec. 30, 1998>
(4) If the period as prescribed in paragraph (3) expires, the mediation shall be deemed not to be materialized <Newly Inserted by Act No. 5605, Dec. 30, 1998>

[This Article Newly Inserted by Act No. 4712, Jan. 5, 1994]

Article 29-5 Demand for Attendance

(1) If it is deemed necessary for a mediation of dispute, the Committee may demand the party concerned, his representative or interested person to attend at the Committee, or to present necessary related documents.

(2) If the party to the mediation fails to comply with the demand for attendance as referred to in Paragraph (1), without any justifiable reason, the mediation shall be considered not to be materialized.

[This Article Newly Inserted by Act No. 4712, Jan. 5, 1994]

Article 29-6 Materialization of Mediation

(1) The mediation shall be materialized by entering the matters agreed between parties in a protocol.

(2) The protocol as referred to in Paragraph (1) shall have the same effect as the judicial conciliation, except in case of matters which the parties are unable to dispose at their option.

[This Article Newly Inserted by Act No. 4712, Jan. 5, 1994]

Article 29-7 Expenses for Mediation

(1) The expenses for a mediation shall be borne by the applicant: Provided, That when the mediation is materialized, both of parties shall bear equally such expenses, unless there is any special agreement.

(2) The amount of the mediation expenses as referred to in Paragraph (1) shall be determined by the Committee.

[This Article Newly Inserted by Act No. 4712, Jan. 5, 1994]

Article 29-8 Organization, etc. of Committee

The organization and operation of the Committee, procedure of mediation, payment method of mediation expenses, and other necessary matters, shall be determined by the Presidential Decree.

[This Article Newly Inserted by Act No. 4712, Jan. 5, 1994]

Article 29-9 Assistance of Expenses

The State may assist the expenses necessary for the operation of the Committee, in the limit of the budget.

[This Article Newly Inserted by Act No. 4712, Jan. 5, 1994]

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 30 Consultation with Ministries or Agencies concerned

If the Minister of Information and Communication desires to decide and execute important matters concerning the program copyright under the provisions of this Act, he shall consult with the Minister of Culture and Tourism in advance <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 4996, Dec. 6, 1995; Act No, 5605, Dec. 30, 1998>

Article 31 Relation with Other Acts

Except as provided in this Act, if there are provisions concerning the protection of programs in the Copyright Act, such provisions shall apply.

Article 32 Delegation of Authority

The Minister of Information and Communication may delegate the authority regarding the registration and presentation of programs, and the registration of the copyright under the provisions of Articles 21, 22 and 24 to an organization as prescribed by the Presidential Decree

[This Article Wholly Amended by the Act No. 4996, Dec. 6, 1995]

Article 33 Supporting Policy

The Government shall devise a supporting policy, such as creation of demand, etc. necessary for the quality assurance, technology enhancement, development acceleration of programs on the basis of a fair trade spirit, in connection with the protection of programs.

Article 33-2 Designation, etc. of Program Copyright Agency

(1) In order to promote the use of programs and foster the programs-related industry, the Minister of Information and Communication may designate an organization executing the trust management of the program copyright(hereinafter referred to as an "agency"), and have it conduct the trust

affairs of the program copyright in conformity with such requirements and formalities as prescribed by the Presidential Decree.

(2) Any person who conducts an agency or the mediation of program copyright shall make a report to the Minister of Information and Communication as prescribed by the Presidential Decree.

(3) The matters concerning the operation, fee, etc. of the agency as provided in paragraph (1) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted Amended by Act No. 4996. 6. 1995]

CHAPTER VII PENAL PROVISIONS

Article 34 Penal Provisions

(1) Any person who falls under any of the following subparagraphs shall be sentenced to imprisonment for not more than three years, or by a fine not exceeding fifty million won, or both: <Amended by Act No. 5605, Dec. 30, 1998>

1. A person who infringes on a program copyright by means of a public announcement, reproduction, adaptation, translation, distribution, publication or transmission; and<<Enforcement Date: Jan. 1. 2000>>

2. A person who commits any act falling under the provisions of subparagraphs 1 and 2 of Article 26 <<Enforcement Date: Jan. 1. 2000>>

(2) Any person who violates the provisions of Article 23, shall be punished by imprisonment for not more than two years, or a fine not exceeding twenty million won.

(3) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year, or by a fine not exceeding the million won : <Amended by Act No. 4996, Dec. 6, 1995; Act No. 5605, Dec. 30, 1998>

1. Person who commits an act changing or concealing the real name or nickname of the program author, or changing the title of the program, without any justifiable title; and

2. Person who makes a false registration of the program as prescribed in Article 21, or presents a false reproduction of the program as prescribed in Article 22.

3. A person who commits any act falling under the provisions of subparagraph 3 of Article 26; and <<Enforcement Date: Jan. 1. 2000>>

4. A person who conducts the affairs of the program copyright agency without obtaining the designation as provided in Article 33-2 (1).

(4) Any person who carries on an agency or mediation of the program copyright without making a report as provided in Article 33-2 (2) shall be sentenced to a fine no exceeding five million won<Newly Inserted by Act No. 4996, Dec. 6. 1995>

[This Article Wholly Amended by Act No. 4712, Jan. 5, 1994]

Article 35 Joint Penal Provisions

If a representative of a juristic person, or an agent, employee or other serviceman of a juristic person or individual has committed an offense as prescribed in Article 34 with respect to affairs of the juristic person or individual, the fine as prescribed in the said Article shall also be imposed on such juristic person or individual, in addition to the punishment of the offender.

Article 36 Accusation

A public prosecution concerning any crime as provided in Article 34 (1) and (3) 1 and 3 shall be subject to an accusation relating thereto <Amended by Act No. 4712, Jan. 5, 1994, Act No. 5605, Dec. 30, 1998> <<Enforcement Date: Jan. 1. 2000>>

Article 37 Legal Fiction as Public Official in Application of Penal Provisions

The executive and staff of an organization who are engaged in the affairs entrusted by the Minister of Information and Communication under the provisions of Article 32 shall be considered as public officials in application of the provisions of Article 34 (2), and Articles 129 through 132 of the Criminal Act. <Amended by Law No. 4712, Jan. 5, 1994; Act No. 4996, Dec. 6, 1995>

ADDENDA

- (1) (Enforcement Date) This Act shall enter into force as of July 1, 1987.
- (2) (Interim Measures) This Act shall not apply to programs created before the enforcement of this Act.

ADDENDA <Act No. 4183, Dec. 30, 1989>

Article 1 (Enforcement Date) This Act shall enter into force as of the date of its promulgation. (Proviso is omitted)
Articles 2 to 6 Omitted.

ADDENDA <Act No. 4541, Mar. 6, 1993>

Article 1 (Enforcement Date) This Act shall enter into force as of the date of its promulgation. (Proviso is omitted)
Articles 2 to 5 Omitted.

ADDENDUM <Act No. 4712, Jan. 5, 1994>

This Act shall enter into force at the expiration of six months after its promulgation.

ADDENDUM <Act No, 4996, Dec. 6, 1995>

This Act shall enter into force on the sixth month following the date of its promulgation.

ADDENDUM <Act No. 5605, Dec. 30, 1998>

This Act shall enter into force on January 1, 1999 : Provided, That the amended provisions of subparagraphs 9 and 10 of Article 2, Article 8 (1), subparagraph 3 of Article 26, Article 34 (1) (limited to subparagraphs) and (3) 3, and Article 36 shall enter into force on January 1, 2000

ENFORCEMENT DECREE OF THE COMPUTER PROGRAMS PROTECTION ACT

Presidential Decree No. 12218, Jul. 24, 1987
As last Amended by Presidential Decree No 16050, Dec. 31, 1998

- TABLE OF CONTENTS -

<i><u>CHAPTER I GENERAL PROVISIONS.....</u></i>	<i>3</i>
Article 1..... Purpose.....	3
Article 2 Protection of Foreigner's Program	3
<i><u>CHAPTER I-2 COMPENSATION DUE TO INSERTION IN CURRICULUM BOOKS.....</u></i>	<i>3</i>
Article 2-2 Application for Determination and Public Announcement of Compensation.....	3
Article 2-3 Notification and Public Announcement of Determination of Compensation.....	4
Article 2-4 Deposition of Compensation	4
<i><u>CHAPTER II APPROVAL OF PROGRAM USE.....</u></i>	<i>4</i>
Article 3 Scope of Program Use	4
Article 4 Application for Approval of Program Use and Public Notification	4
Article 5..... Approval for Program Use.....	5
Article 6 Rejection of Approval of Program Use.....	5
Article 7 through 9-2 Deleted.....	6
Article 19 Approval for Use of Foreigner's Program	6
<i><u>CHAPTER III PROGRAM REGISTRATION.....</u></i>	<i>6</i>
Article 11 Registration, etc. of Program.....	6
Article 12 Program Register Book.....	7
Article 13 Program Public Bulletin.....	7
Article 14 Inspection, etc., of Program Register Book.....	7
Article 15 Changes, etc. of Program Registration Matters.....	7
Article 16 Delivery of Program Registration Certificate.....	7
Article 17..... Indication of Program Registration	8
Article 18 Presentation of Program Registration	8
Article 19 Management of Program Reproduction	8
Article 20 Copy of Program Reproduction.....	8

Article 21	Program Copyright Register Book	8
Article 22	Application for Program Copyright Registration.....	8
Article 23	Deleted	9
<i>CHAPTER IV PROGRAM DELIBERATION AND MEDIATION COMMITTEE</i>		9
Article 24	Functions of Program Deliberation and Mediation Committee	9
Article 25	Deleted	9
Article 26	Duties of Chairman	9
Article 27	Operation of Committee	10
Article 27-2	Mediation Procedures	10
Article 27-3	Deleted	11
Article 28	Establishment of Special Subcommittees	11
Article 29	Public Forum, etc.	11
Article 30	Secretariat	11
Article 31	Stipend and Traveling Expenses	12
<i>CHAPTER V CONSIGNMENT MANAGEMENT OF PROGRAM COPYRIGHT</i>		12
Article 31-2	Appointment Standard for Consignment Management Agency	12
Article 31-3	Report Procedure of Agency and Brokerage of Program Copyright	12
<i>CHAPTER VI CONSIGNMENT OF BUSINESS</i>		13
Article 32	Consignment of Authority	13
Article 33	Deleted. <by Presidential Decree No. 16050, Dec. 31, 1998>	13
<i>ADDENDUM</i>		13
<i>ADDENDUM</i> <Presidential Decree No. 12895, Jan. 3, 1990>		13
<i>ADDENDUM</i> <Presidential Decree No. 13869, Mar. 6, 1993>		13
<i>ADDENDUM</i> <Presidential Decree No. 14311, Jun. 30, 1994>		14
<i>ADDENDUM</i> <Presidential Decree No. 15012, Jun. 7, 1996>		14
<i>ADDENDUM</i> <Presidential Decree No. 15598, Dec. 31, 1997>		14
<i>ADDENDUM</i> <Presidential Decree No. 16050, Dec. 31, 1998>		14

CHAPTER I GENERAL PROVISIONS

Article 1 Purpose

The purpose of this Decree is to prescribe the matters delegated by the Computer Programs Protection Act (hereinafter referred to as the "Act") and matters necessary for the enforcement thereof.

Article 2 Protection of Foreigner's Program

(1) Any person who has interest in a program of a foreigner may submit an application to restrict the protection on a program of a foreigner. containing such information as the matters falling under any of the following subparagraphs, to the Minister of Information and Communication and may request the restriction of protection on the program of the foreigner concerned as provided in the provisions of Article 3 (3) of the Act : <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

1. The name of the country not protecting the programs of Koreans and the contents not protected; and

2. The contents necessary for the restriction of protection and methods of restriction

(2) In cases where the Minister of Information and Communication under the provisions of Article 3 (3) of the Act restricts the protection on the programs of a foreigner, he shall notify publicly in a public programs bulletin(hereinafter referred to as a "public programs bulletin"). the contents of restriction, reasons for restriction and conditions for removing the restriction, as provided in Article 21 (4) of the Act <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

CHAPTER I -2 COMPENSATION DUE TO INSERTION IN CURRICULUM BOOKS

Article 2-2 Application for Determination and Public Announcement of Compensation

(1) A person who intends to insert any program in textbooks under Article 12-2 of the Act shall present a written application for determination of compensation with documents as prescribed by the Ordinance of the Ministry of Information and Communication to the Minister of Information and Communication

(2) If the Minister of Information and Communication receives a written application for determination of compensation under paragraph (1), he shall make a public announcement of the contents of such an application in a public bulletin.

[This Article Newly Inserted by Presidential Decree No. 16050, Dec. 31, 1998]

Article 2-3 Notification and Public Announcement of Determination of Compensation

If the Minister of Information and Communication determines compensation under Article 12-2 of the Act, he shall notify applicants for determination of compensation and program copyright owners of the contents of such determination : Provided, That where he is unable to know program copyright owners or their residences, he shall make a public announcement of the contents of such determination in a public bulletin.

[This Article Newly Inserted by Presidential Decree No. 16050, Dec. 31, 1998]

Article 2-4 Deposition of Compensation

A case where compensation is deposited in lieu of the payment of compensation to a program copyright owner under Article 12-2 (1) of the Act shall be as follows;

1. Where a program copyright owner or his residence is unknown;
2. Where a program copyright owner is unable to be paid compensation due to the refusal of receipt of compensation by a program copyright owner or other reasons; and
3. Where a right of pledge which has the program copyright concerned for its object is established (excluding where a program copyright owner obtains the consent of a person who holds said right of pledge)

[This Article Newly Inserted by Presidential Decree No. 16050, Dec. 31, 1998]

CHAPTER II APPROVAL OF PROGRAM USE

Article 3 Scope of Program Use

The scope of program use as provided in the provisions of Article 17 (1) of the Act means the reproduction use, the adaptation use and the translation use of programs.

Article 4 Application for Approval of Program Use and Public Notification

(1) Any person who desires to obtain an approval to use a program as provided in Article 17 (1) of the Act shall submit a written application for approval of program use to which documents as prescribed by the Ordinance of the

Ministry of Information and Communication are attached to the Minister of Information and Communication <Amended by Presidential Decree No. 15019, Jun. 7, 1996; Presidential Decree No. 16050, Dec. 31, 1998>

(2) When the Minister of Information and Communication receives the application for approval of program use as provided in paragraph (1), he shall fix a period of more than 30 days and notify publicly the contents of such application in a public program bulletin <Amended by Presidential Decree No. 15019, Jun. 7, 1996; Presidential Decree No. 16050, Dec. 31, 1998>

(3) The program copyright owner, etc., who has an objection to the matters notified under the provisions of paragraph (2) of this Article may submit his objection in writing to the Minister of Information and Communication. <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

Article 5 Approval for Program Use

(1) If there is no submission of data which states the name of the program copyright owner or his residence and the Minister of Information and Communication deems the application justifiable within the period of public notification as provided in Article 4 (2) of this Decree, he shall establish the amount of compensation, contents and methods of program use, etc., and approve the use of program, but he may attach conditions falling under any of the following subparagraphs; <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

1. The matters which requests any person to indicate the name of the program copyright owner and the first published year of the program reproduction; and

2. Other necessary matters to protect the rights of the program copyright owner.

(2) If the Minister of Information and Communication approves the program use as provided in paragraph (1) of this Article, he shall notify the content of approval to the applicant who has applied for such approval on the program use and give a public notice of it in a public programs bulletin. <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

Article 6 Rejection of Approval of Program Use

(1) When the application for approval of program use is deemed applicable for any of the reasons listed in the following subparagraphs, the Minister of Information and Communication shall reject the application; <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

1. When it is determined that the applicant who has applied for an approval may achieve his objectives sufficiently by other means, though it is not the program applied for;

2. When the applicant records a false fact within the contents of the application

3. When the name of the program copyright owner of his residence is disclosed within the period of public notification as provided in Article 4 (2) of this Decree; and

4. When the grounds for application for approval of other program use is extinguished.

(2) When the Minister of Information and Communication vetoes the approval for the use under any one of the subparagraphs of paragraph (1) of this Article, he shall notify its applicant it with the reasons. <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

Article 7 through 9-2 Deleted

Article 19 Approval for Use of Foreigner's Program

(1) In cases where the Minister of Information and Communication approves the use of the program, under Article 17 (1) of the Act, in a foreign country that is a contraction party to a treaty concerning program copyright to which the Republic of Korea is another contracting party, or the use of other programs of any foreigner who has a nationality of the said country or address therein, he shall follow the matters designated by the international treaty in connection with the matters falling under any of the following subparagraphs; <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

1. The scope, conditions, contents of approval for the use and the expiry of use term;

2. An approval for the use and the public notification of such facts;

3. The matters concerning the sale and purchase of the approved rights and prohibition of export; and

4. The decision and the deposit of compensation.

(2) In cases where a person who desires to apply for the use of the program of which copyright owner is a foreigner as provided in Article 17 (1) of the Act, he shall submit a copy of the application of approval for use to the International Copyrights Information Center established by UNESCO.

CHAPTER III PROGRAM REGISTRATION

Article 11 Registration, etc. of Program

(1) A person who desires to register the program under the provisions of Article 21 (1) the Act shall submit an application of program registration to the Minister of Information and Communication as prescribed by the Ordinance of the Ministry of Information and Communication <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

(2) In cases where a proof on the creation of program so requires, the Minister

of Information and Communication may request that the applicant submit additional documents concerning the creation <Newly Inserted by Presidential Decree No. 14311, Jun. 30, 1994; Presidential Decree No. 15019, Jun. 7, 1996>

Article 12 Program Register Book

The form of the program register book under the provisions of Article 21 (3) of the Act shall be prescribed by the Ordinance of the Ministry of Information and Communication <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

Article 13 Program Public Bulletin

The Minister of Information and Communication shall publish the public programs bulletin at least once every two months ; Provided. That case there is no matter to be published during the two months after the time of publishing a public programs bulletin, it shall not apply. <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

[This Article Wholly Amended by Presidential Decree No. 14311, Jun. 30, 1994]

Article 14 Inspection, etc., of Program Register Book

A person who desires to inspect the program register book or transfer a written copy thereof shall submit an application th the Minister of Information and Communication as prescribed by the Ordinance fo the Ministry of Information and Communication<Amended by Presidential Decree No. 14311, Jun. 30, 1994; Presidential Decree No. 15019, Jun. 7, 1996>

Article 15 Changes, etc. of Program Registration Matters

If a person who has registered a program desires to change the registration matters or cancel them, he shall submit such application to the Minister of Information and Communication as prescribed by the Ordinance of the Ministry of Information and Communication <Amended by Presidential Decree No. 14311, Jun. 30, 1994; Presidential Decree No. 15019, Jun. 7, 1996>

Article 16 Delivery of Program Registration Certificate

The Minister of Information and Communication shall deliver a program registration certificate to the person who registers the program and if there is a change of the registration matters as provided in Article 15 of this Decree, he shall redeliver it.<Amended by Presidential Decree No. 15019, Jun. 7, 1996>

Article 17 Indication of Program Registration

The program copyright owner under the provisions of Article 21 of the Act may indicate the fact of registration on the reproduction of program registered.

Article 18 Presentation of Program Registration

(1) The program reproduction which the person who is registering the program submits as provided in Article 22 (1) of the Act shall be a tangible object including the program such as CD-Rom or microfilm, etc. <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

(2) When any person presents a program reproduction as provided in paragraph (1), he shall present the entire program: Provided, That where only a portion of the program is necessary to prove the fact of the program creation, he may select the part of the program and submit it as prescribed by the Ordinance of the Ministry of Information and Communication<Amended by Presidential Decree No. 15019, Jun. 7, 1996>

Article 19 Management of Program Reproduction

The Minister of Information and Communication shall take charge of the program reproduction submitted as provided in Article 22 (1) of the Act, maintain the confidentiality thereof and devise a protective measure regarding the program reproduction as prescribed by the Ordinance of the Ministry of Information and Communication <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

Article 20 Copy of Program Reproduction

The program copyright owner may request a copy of the program reproduction as referred to in Article 22 (1) of the Act from the Minister of Information and Communication <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

Article 21 Program Copyright Register Book

The form of a program copyright register book under Article 24 (2) of the Act shall be prescribed by the Ordinance of the Ministry of Information and Communication

Article 22 Application for Program Copyright Registration

(1) A person who desires to register in the program copyright register book as provided in the provisions of Article 21 of the Act shall submit a program copyrights registration application to the Minister of Information and Communication as prescribed by the Ordinance of the Ministry of Information and Communication <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

(2) Deleted. <by Presidential Decree No. 16050, Dec. 31, 1998>

(3) According to the matters concerning the inspection application of the program copyright register book, the transfer application of copy, the change application of program copyrights registration and the transfer of the program copyright registration certificate, Article 14 through 16 shall apply mutatis mutandis.

Article 23 Deleted

CHAPTER IV PROGRAM DELIBERATION AND MEDIATION COMMITTEE

Article 24 Functions of Program Deliberation and Mediation Committee

For purposes of this Act, the term "other matters as prescribed by Presidential Decree" under the provisions of Article 29-2 of the Act means the matters falling under any of the following subparagraphs: <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

1. The advisory matters concerning the interpretation of Acts and subordinate statutes related to the program copyright;

2. The matters concerning the provisions necessary to coordinate with the Copyright Act;

3. The matters concerning the fair use of program and the contents deliberation of program copyright related to the circulation promotion;

4. The matters concerning the program registration; and

5. Other matters related to the program copyright deemed important by the Minister of Information and Communication.

Article 25 Deleted

Article 26 Duties of Chairman

(1) The chairman shall represent the Program Deliberation and Mediation Committee (hereinafter referred to as the "Committee"); and act as the president and supervise the affairs of the Committee. <Amended by

Presidential Decree No. 14311, Jun. 30, 1994>

(2) In the case of an accident to the chairman, the Committee members nominated in advance by the chairman shall act on behalf of the chairman.

Article 27 Operation of Committee

(1) In cases where the president convenes the Committee, he shall notify each committee member of the date and time of the meeting, its location and the matters to be deliberated at least five days before the meeting is to be held: Provided, That if there occurs a state of emergency or an inevitable circumstance, this provisions shall not apply

(2) The Committee shall hold a meeting with attendance of not less than two thirds of the Committee members and make a decision by the concurrent vote of a majority of the members present, including the chairman. <Amended by Presidential Decree No. 16050, Dec. 30, 1998>

(3) A committee member shall not participate in the deliberation of matters in which he has a direct interest.

(4) In cases where the Committee enacts or amends matters falling under any of the following subparagraphs, the Committee shall consult with the Minister of Information and Communication : <Newly Inserted by Presidential Decree No. 14311, Jun. 30, 1994 : Presidential Decree No. 15019, Jun. 7, 1996: Presidential Decree No. 16050, Dec. 31, 1998>

1. The matters concerning the operation of the Committee;

2. The detailed matters concerning the dispute mediation procedures of the program copyright in addition to the mediation procedures as provided in Article 27-2 of this Decree; and

3. The matters concerning the organization, prescribed number of members and operation of the secretariat.

(5) Other matters necessary for the operation of Committee shall be determined by the chairman through the deliberation of the Committee.

Article 27-2 Mediation Procedures

(1) A person who wishes to request a mediation as provided in Article 29-4 (1) of the Act shall submit a mediation application to the committee as determined by the Committee.

(2) When a person requests the mediation as provided in paragraph (1) of this Article , he shall submit the mediation expenses as determined by the Committee

(3) In cases where the chairman receives a mediation application as provided in paragraph (1) of this Article, he shall designate a mediation division and send the mediation application to such place.

(4) If the mediation division which has received the mediation application as provided in paragraph (3) of this Article requires the presence of the party concerned, his legal representative of interested persons under the provisions

of Article 29-5 (1) of the Act, its procedures shall apply mutatis mutandis to Article 9 (3) through (6). In this case, for purposes of Article 9 (3) through (5) "the Minister of Information and Communication" shall be considered as "mediation division", "the opposite party subject to the disposition or his agent" shall be considered as "the party concerned, agent of interested persons", and "the public official concerned" shall be considered as "staff of secretariat." <Amended by Presidential Decree No. 15019, Jun. 7, 1996>

(5) The mediation division may draw up a mediation plan and present it to the party concerned and recommend the acceptance thereof

(6) If a person who is not connected with the mediation affair attends by replying to the request, the Committee may pay him for such expenses as a stipend and traveling expenses.

(7) In cases where a mediation is conducted under the provisions of Article 29-6 of the Act, the Committee shall report the results to the Minister of Information and Communication without delay and shall manager and preserve the protocol concerning the mediation and related records. <Amended by Presidential Decree No. 15019, Jun. 7, 1996> [This Article Newly Inserted by Presidential Decree No. 14311, Jun. 30, 1994]

Article 27-3 Deleted

Article 28 Establishment of Special Subcommittees

If the Committee deems it necessary for the operation of the affairs concerned, subcommittees shall be established in order to deliberate the matters of the Committee <Amended by Presidential Decree No. 14311, Jun. 30, 1994>

Article 29 Public Forum, etc.

(1) According to the deliberation of the agenda, if the Committee deems it necessary, the Committee may hold a public forum or hear the opinions of the interested persons or experts concerned.

(2) A person who has a interest in the agenda of the Committee shall submit his opinions to the Committee in writing.

Article 30 Secretariat

(1) The secretariat shall be designated within the Committee for the purpose of managing its affairs.

(2) The secretariat shall have one director and necessary staffs, and the director shall perform duties under the order of the chairman. <Amended by Presidential Decree No. 16050, Dec. 31, 1998>

(3) The organization, the fixed number of members, operation and other

necessary matters of the secretariat shall be determined by the chairman after deliberation of the Committee. <Amended by Presidential Decree No. 16050, Dec. 30, 1998>

[This Article Wholly Amended by Presidential Decree No. 14311, Jun. 30, 1994]

Article 31 Stipend and Traveling Expenses

Members of the Committee and experts concerned as provided in Article 29 of this Decree may be paid a stipend and travel expenses. <Amended by Presidential Decree No. 14311, Jun. 30, 1994>

CHAPTER V CONSIGNMENT MANAGEMENT OF PROGRAM COPYRIGHT

Article 31-2 Appointment Standard for Consignment Management Agency

(1) The Minister of Information and Communication may designate a nonprofit corporation which performs functions related to program copyright under the provisions of Article 33-2 (1) of the Act, furnish it with personnel and facilities as determined by the Minister of Information and Communication as a program copyright management consignment agency(hereinafter referred to as a "consignment management agency").

(2) A person who desires to obtain designation as a consignment management agency under the provisions of paragraph (1) of this Article shall submit an application with the documents detailing the Articles of incorporation the regulations of consignment management affairs, personnel, and conditions of the facilities, etc. to the Minister of Information and Communication

(3) The regulations of consignment management affairs as provided in paragraph (2) shall include the matters falling under the following subparagraphs:

1. The contract concerning the consignment management and the program use;

2. The matters concerning the cost rates of program use; and

3. Matters concerning the cost rates of service charge as provided in Article 33-2 (3) of the Act

(4) The Minister of Information and Communication shall request the consignment management agency designated under the provisions of Article 33-2 (1) of the Act to submit the documents concerning the project results

[This Article Newly Inserted by Presidential Decree No. 15019, Jun. 7, 1996]

Article 31-3 Report Procedure of Agency and Brokerage of Program Copyright

A person who desires to report the agency and brokerage of program copyrights under the provisions of Article 33-2 (2) of the Act shall submit an application of the agency and brokerage including the regulations of agency and brokerage business to the Minister of Information and Communication
[This Article Newly Inserted by Presidential Decree No. 15019, Jun. 7, 1996]

CHAPTER VI CONSIGNMENT OF BUSINESS

Article 32 Consignment of Authority

(1) The authority of the Minister of Information and Communication concerning the registration and submission of programs (including the registration of program copyright) under the provisions of Article 32 of the Act may be consigned to the agencies (hereinafter referred to as a "consignment agency") related to the program copyright dispute mediation business <Amended by Presidential Decree No. 14311, Jun. 30, 1994; Presidential Decree No. 15019, Jun. 7, 1996>

(2) In cases where the consignment agency is designated under the provisions of paragraph (1) of this Article, this shall be notified publicly in the official Gazette.

Article 33 Deleted. <by Presidential Decree No. 16050, Dec. 31, 1998>

ADDENDUM

This Decree shall enter into force on the date of its promulgation : Provided, That the provisions of Article 10 of this Decree Shall enter into force on the date on which the international copyright treaty becomes effective in the Republic of Korea

ADDENDUM <Presidential Decree No. 12895, Jan. 3, 1990>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation

Article 2 and 3 Omitted

ADDENDUM <Presidential Decree No. 13869, Mar. 6, 1993>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 through 4 Omitted.

**ADDENDUM <Presidential Decree No. 14311, Jun. 30,
1994>**

This Decree shall enter into force on the date of its promulgation.

**ADDENDUM <Presidential Decree No. 15019, Jun. 7,
1996>**

This Decree shall enter into force on the date of its promulgation.

**ADDENDUM <Presidential Decree No. 15598, Dec. 31,
1997>**

This Decree shall enter into force on January 1, 1998

**ADDENDUM <Presidential Decree No. 16050, Dec. 31,
1998>**

This Decree shall enter into force on January 1. 1999.
