

## Korea flies the flag of copyright reform

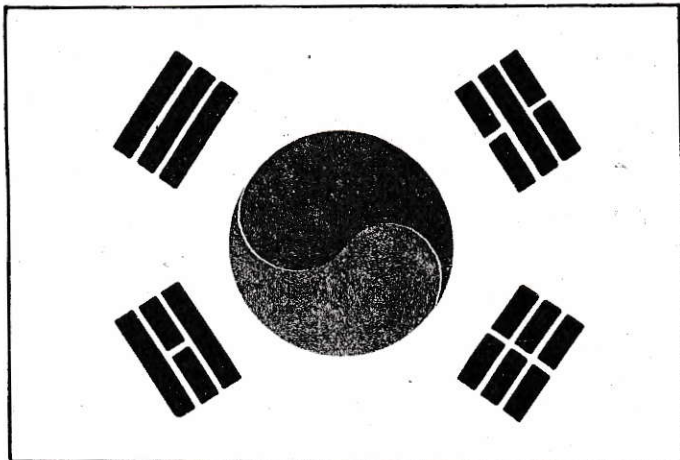
**On the eve of the Seoul Olympic Games, Korea is the world's twelfth largest trading nation, has the world's highest growth rate and — perhaps even more striking — a surplus on its balance of payments with Japan.**

**Armed with this impressive outline of a nation not so much emerging as exploding, international copyright observer Trevor Lytleton has returned from a special symposium held in Korea, and here he urges the key music rights groups to invest time and effort into lobbying for further protection and to help train those who will administer the country's copyright system.**

SINCE I last visited Korea in November, 1985, considerable progress has been made, thanks largely to the trade pressures brought to bear by the United States government.

However, the new copyright law coming into force on 1st July 1987 will as it now stands, only apply to the foreign works of all writers in countries that are signatories to the Universal Copyright Convention, created *after* that date. This of course is far from satisfactory. There is however to be a special concession which will protect US works created within the 10 years period prior to enactment.

Overseas delegates at the symposium in Seoul — notably Denis de Freitas of the British Copyright Council — expressed the hope that all foreign works would be protected and that urgent representations would be made to the Korean Government to ensure that the



*KOREAN: moving on copyright reform, but still some way to go.*

forthcoming legislation extends protection to *all* pre-existing works protected in UCC signatory countries.

Several Asian countries who have introduced copyright laws, have lamentably failed to enforce them. Korea's immediate need therefore is to establish an overall follow-through plan to ensure proper administration and effective monitoring of the copyright system once the new laws are enacted. To this end Korea's parliamentarians, judges and officials must understand and administer the new laws, police must enforce them and monitor piracy, teachers, businessmen and the public at large must be made aware of the copyright system and its practical implications.

The international copyright community simply cannot continue to sit

back and complain of copyright systems failing to operate in developing countries, if they are not prepared to take the necessary initial steps to nurture evolving copyright systems and assist in their administration. A substantial commitment of time, energy and money is called for. Copyright training and education has to be initiated, continued and followed through.

The role of ASCAP, BMI, GEMA, SACEM and other performing rights organisations, and the music publishers and record industry associations, cannot be overstated. For it is they who must be prepared to invest substantially in developing the seed corn of copyright and providing the practical know-how and training opportunities that are essential for Korea's future copyright administrators.

## *Seeks Better Image For '88 Olympics* **Korea Bows Copyright Law**

BY MIKE HENNESSEY

LONDON A new copyright law is due to take force in South Korea July 1 as a result of economic pressure from the U.S. and the republic's desire to enhance its image before Seoul hosts the 1988 Olympic Games (Billboard, Jan. 18).

However, British composer and lawyer Trevor Lyttleton, who has been a close observer of the South Korean copyright situation, says that although the new law represents considerable progress, it will not protect foreign works created before July 1, 1987. Only new works originating in countries that are signatories of the Universal Copyright Convention will be protected.

It was after a visit to South Korea last year with the North of England Development Council Trade Mission that Lyttleton called for a copyright seminar to be held in Seoul as a prelude to improving copyright protection in South Korea.

An international copyright symposium was held there Jan. 22-23, at which Denis de Freitas, chairman of the British Copyright

Council, argued that urgent representations should be made to the Korean government to make the new legislation retroactive.

Says Lyttleton: "Several Asian countries which have introduced copyright laws have, lamentably, failed to enforce them. Korea's immediate need, therefore, is to establish an overall follow-through plan to ensure proper administration and effective monitoring of the copyright system once the new legislation is enacted."

Lyttleton has called upon CISA, IFPI, and the various national performing and mechanical right societies to help develop the seed of copyright in South Korea and to invest time and money in an education and training program, "which is essential for Korea's future copyright administrators."

"The international copyright community simply cannot continue to sit back and complain of copyright systems failing to operate in developing countries if they are not prepared to take the necessary initial steps to nurture evolving copyright systems and assist in their administration," Lyttleton says.

# Anti-Piracy News

Publishers Association 1985

Quarterly newsletter of the Campaign Against Book Piracy, covering piracy and copyright issues

NO. 8

ISSN 0268 5914

OCTOBER 1985

## Developments

### CHINA

#### Domestic Copyright law within two years

Trevor Lyttleton MA LLB, reports on progress towards a copyright law in the People's Republic of China.

Mr Li Qi, Head of the Copyright Study Group has forecast that barring any new problems, China will have a domestic copyright law "within one or two years" and that this development will be followed by accession to one of the conventions (probably UCC) "within a short time thereafter". Mr Li made these comments during a meeting with Trevor Lyttleton, a copyright lawyer and composer member of the Performing Right Society.

Mr Li said that the National Government attached great importance to copyright protection and that the People's Congress and the magistracy were studying the issue and paying more and more attention to copyright. About 2,000 people have attended copyright courses, studying the experience of other countries and being made aware of the necessity of copyright protection as a prerequisite of a developing culture.

Mr Li explained that the very serious lack of trained personnel, was the main reason for the delay in implementing the copyright law. The Copyright Study Group considers that in view of China's vast size and population, they will need a large number of monitors, all of whom will have to be trained.

To ensure that China can cope with the enormous practical problems involved in administering its newly fledged copyright system, Mr Li emphasized that he and his colleagues need all the help they can get from the international copyright community, and from copyright collection societies in particular, in the form of know-how and training facilities. Trevor Lyttleton proposed that an International Copyright Seminar should be held in Beijing to attract the world's leading copyright experts to China in furtherance of these objectives.

**International Symposium on  
Copyright Law — Seoul Korea**

**Trevor Lyttleton**

**( Solicitor )**

1. Sibelius, the great Finnish Composer, was once asked why he surrounded himself with bankers, financiers and businessmen, rather than with artists and musicians. "Because - he replied - "when I'm with bankers, financiers and businessmen, they talk about beautiful music, painting and works of art; - but when I'm with artists and musicians, they talk about money."
2. It is about money that artists, writers and musicians are concerned in the sphere of copyright where they simply seeks a just reward for their labour.

Music records, cassettes, and films are Fragile commodities because of the increased opportunity of copying.

3. I am a Composer of Music and Copyright Lawyer and have come at short notice on my own behalf from London specially to attend this Seminar at the kind invitation of your distinguished President of KIPS, Professor Sang Hyun Song.

I first visited Korea in November 1985 when I had the pleasure, at the invitation of Director Kim Kang Seop, of conducting the Korean Broadcasting Orchestra in a performance of two of my works 'live' on TV on the Saturday Night "100 Minutes Show".

Wearing my lawyer's hat, I had the special pleasure and privilege on that visit of discussing Korea's copyright plans with Professor Sang Hyun Song, the then Director-General of the Culture and Arts Bureau of MCI, Mr. Kim Chi Gon and other important officials.

4. I do not propose to add to the detailed and valuable contributions made here with respect to the specific requirements of Korean Copyright legislation. I will instead concentrate on the "follow - through" Strategy required to ensure the effective implementation of such laws when they are brought into being.
5. I have one special message to convey to this important Seminar. When it ends the lawyers and parliamentarians will doubtless continue to have much to discuss concerning the fine print of proposed Korean Copyright Laws. Difficult though it certainly will be to persuade the Korean Parliament's to enact appropriate copyright laws, it must always be borne in mind

that such enactment and Korea's subsequent accession to international treaties, are merely the first step. The key to ultimate success will lie in Korea's proper implementation of copyright legislation, to ensure the necessary monitoring of performances, uses and exploitation of copyright works.

6. The lawyers and officials responsible for drafting these laws must therefore guard against becoming so absorbed in the detail of the law, that they overlook the vital need to establish an effective overall plan in advance of copyright legislation so that Korea will be in the best possible position to administer the copyright system thus brought into being.
7. It was for this reason that, during my last visit here and thereafter in the International Music Press, I urged the need for adequate copyright training facilities and for an International Copyright Seminar to be held in Seoul to which leading International Copyright Experts would be invited. I further proposed that major music rights groups such as CISAC, IFPI, ASCAP and PRS, should be invited to lobby for copyright reform in Korea, to provide invaluable know-how with respect to the training of Korea's future copyright administrators, and to provide both academic legal and practical expertise, and generally to set up and provide a public education and public information programme.
8. I am therefore delighted to note the following very positive developments since I was last here: -
  - (1) the establishment of KIPS which deserves all possible support and encouragement from both within this country and from the international copyright community.
  - (2) KIPS's splendid initiative in organizing this prestigious and valuable Seminar.
  - (3) the participation therein of so many distinguished experts including representatives of the British Council, PRS, BPA, BCC US Register of Copyrights JCLA CISAC and others.
9. Being one of the few overseas invitees attending, on my own account rather than on behalf of an

institution, I can perhaps speak with less fear or favour and express my views perhaps more forthrightly than most of those present.

List of areas of disappointment, e.g.

- (1) Notable absentees (list key performing right societies and other bodies not attending).
- (2) Lack of commitment by various bodies for the future administration and implementation of Korean copyright law.

## CONCLUSION

It is not therefore enough for the distinguished representatives of organizations attending this Seminar having made their speeches and lent their expertise to these sessions, simply to leave Korea to get on with the daunting task job of enacting a Copyright Law and setting up the machinery for administering that law.

It is the "follow through strategy" that needs to be carefully considered, devised and implemented. For this a substantial commitment of time, energy and money is called for. Copyright education has to be initiated, continued and followed through from the highest office holders in the land to teachers in schools, universities, businessmen, radio and TV station employees, film-makers, book music publishers etc., and communicated to the public at large.

This Seminar must therefore be regarded as a significant first step towards setting up international copyright technology transfer arrangements in Korea's favour. All those participating from abroad should ask themselves what specifically they reckon they and their organizations can do to continue the process of education and implementation in the field of copyright.

I would like to express the particular hope for example that the British Council, together with BCC and PRS perhaps, will initiate grants for students of copyright to visit the UK, not only to attend courses and learn about our system as a body of laws, but to come into contact at first hand with a working system of copyright administration.

Many of you will have plans to help - but please remember

to ask yourselves - are we really doing enough.

I fly home tonight and will attend and address the International Music Lawyers Meeting at Midem in Cannes next Tuesday and shall report very positively on this valuable initiative. I shall also call upon the international copyright community to add their support and their music and money to these important endeavours to enable Korea to pass the right laws and administer them to the long-term benefit of this great country and its trading partners throughout the world.