Statutory License for Education

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Under Korea’s Copyright Act, exclusive rights may be limited for educational purposes:

1. Use of works in textbooks

2. Classroom use

3. Use by students
1. Use of works in textbooks

Copyright Act Article 25(Use for the Purpose of School Education, etc.) (1) A work already being made public may be reproduced in textbooks to the extent deemed necessary for the purpose of education at high schools, their equivalents or lower level schools.
1. Use of works in textbooks

- A work may be reproduced in **textbooks necessary for the educational purpose of high schools or their lower level schools.**

  - Applies only to secondary schools or their lower level schools (elementary schools & kindergarten)

  - Not applied to textbooks used at **colleges or universities:** license is necessary from copyright owners

  - Applies **only to textbooks;** in the form of books, phonograms, videos, and electronic books
Use in Textbooks

1. Use of works in textbooks
   - Use of works in textbooks **is not free**
   - Authors of textbooks need not license; but need to pay remuneration to copyright owners → a kind of statutory license

- KORRA
  - Collects & distributes this remuneration

-- Challenges? How to distribute or dispose of **undistributed remunerations**?
  - Difficult to find authors whose works are used in textbooks
2. Classroom use

Copyright Act Article 25(Use for the Purpose of School Education, etc.)

(2) **Educational institutions** established by special laws, the Elementary and Secondary Education Act, or the Higher Education Act or operated by the state or local government may reproduce, and **educational support institutions** perform publicly, broadcast or conduct interactive transmission a part of a work already being made public to the extent deemed necessary for the purpose of class. Provided that the use of the whole parts of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the whole parts of the work shall be permissible.

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Use in Schools

2. Classroom use

- **Use** of works in classrooms is **free in high schools or lower level schools**; but **not free in colleges or educational support institutions**; colleges need to pay remunerations after use – a kind of **statutory licenses**

- **Colleges**
  -- **KORRA**: supposed to collect & distribute remunerations from 2014
  -- Annual or pay-per-use remunerations
  -- Annual remunerations: $1.2 per students

- **Educational support institutions**
  -- **KORRA**: supposed to collect & distribute from 2015
3. Use by students

Copyright Act Article 25(Use for the Purpose of School Education, etc.)

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

Close to private use or fair use; not easy to enforce copyright against students
[The End]

Any Questions?

Feel free to contact at it-law@korea.ac.kr