

## Law Viewer

## MUSIC INDUSTRY PROMOTION ACT

Act No. 8852, Feb. 29, 2008  
Amended by Act No. 9493, Mar. 18, 2009  
Act No. 7942, Apr. 28, 2009  
Act No. 10115, Mar. 17, 2010  
Act No. 10219, Mar. 31, 2010  
Act No. 10219, Mar. 31, 2010  
Act No. 10369, Jun. 10, 2010  
Act No. 10629, May 19, 2011  
Act No. 11998, Aug. 6, 2013  
Act No. 13306, May 18, 2015  
Act No. 14082, Mar. 22, 2016  
Act No. 14476, Dec. 27, 2016  
Act No. 15379, Feb. 21, 2018

## CHAPTER I GENERAL PROVISIONS

## Article 1 (Purposes)

The purposes of this Act are to enhance the quality of cultural life of the nation and to contribute to the growth of the national economy by providing for matters necessary for promoting the music industry and facilitating the growth of related industries.

## Article 2 (Definitions)

The terms used in this Act are as follows: <Amended by Act No. 10369, Jun. 10, 2010>

1. The term "music" refers to a form of expression in which thoughts and emotions are expressed through sound, by arranging rhythm, melody, harmony, tone, and other elements in accordance with certain rules and formats;
2. The term "music industry" refers to the industry for creation, public performance, and education of music; production, distribution, exportation, and importation of music records, music files, music video products, and music video files; production of music instruments and sound equipment; karaoke businesses; and other industries related to the afore-stated industry;
3. The term "sound signals" refers to certain sound or expression of sound that can be set in a tangible material or contained in electronic format;
4. The term "music record" refers to sound signals produced by being set in a tangible material that can be replayed for listening;
5. The term "music file" refers to sound signals produced in an electronic format or recorded in an electronic device so that they can be readily reproduced, transferred, transmitted, or received;
6. The term "music video product" refers to sound signals produced in combination with images to express the meaning of the sound signals, and includes image products related to performances of music;
7. The term "music video file" refers to a music video product produced in an electronic format or recorded in an electronic device that can be readily reproduced, transferred, transmitted, or received;
8. The term "music record and music-video production business" refers to a business that

- engages in planning and producing or reproducing music records, music files, music video products, or music video files (hereinafter referred to as "music records, etc.");
9. The term "music record and music-video distribution business" refers to a business that supplies music record and music-video retailers or online music service providers with music records, etc. by importing music records, etc. (including importing original records) or owning or managing copyright of music records, etc.;
  10. The term "music record and music-video retail business" refers to a business that sells music records or music video products directly to consumers;
  11. The term "online music service business" refers to a business that provides music files or music video files to consumers for use by an information and communications network referred to in Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.;
  12. The term "identification mark" refers to an identification number, code, or any similar mark given by the Minister of Culture, Sports and Tourism to each music record, etc., pursuant to Article 23 of the Content Industry Promotion Act, that can be readily utilized in statistics of distribution, search, and inspection;
  13. The term "karaoke business" refers to a business that provides the general public with the use of accompaniment machines, with or without images, and other facilities, along with which people can sing songs in the accompaniment of pre-recorded music without performers of any instrument;
  14. The term "juvenile" refers to a person of less than 18 years of age (including students enrolled in a high school under Article 2 of the Elementary and Secondary Education Act).

### Article 3 (Establishment and Implementation of Comprehensive Plan for Promotion of Music Industry)

- (1) The Minister of Culture, Sports and Tourism shall establish and implement a comprehensive plan necessary to promote the music industry (hereinafter referred to as the "comprehensive plan"). In such cases, the Minister may consult with the heads of central administrative agencies concerned, if necessary. <Amended by Act No. 8852, Feb. 29, 2008>
- (2) The comprehensive plan shall contain details of the following:
  1. Matters concerning establishment of a medium and long-term basic plan and improvement of statutes, and systems;
  2. Matters concerning stimulation of creative activities;
  3. Matters concerning promotion of exportation and the creation of job opportunities;
  4. Matters concerning development and dissemination of technology;
  5. Matters concerning specialization of distribution and improvement of distribution channels;
  6. Matters concerning development of the industry, including support for start-up businesses;
  7. Matters concerning fostering of specialized human resources;
  8. Matters concerning establishment of infrastructure;
  9. Matters concerning international cooperation;
  10. Matters concerning guidance for and control of music records, etc., illegally produced,

- sold or distributed (hereinafter referred to as "distributed"), or provided for use;
11. Matters concerning support for voluntary monitoring activities of non-profit, non-governmental organizations under Article 2 of the Assistance for Non-profit, Non-governmental Organizations Act (hereinafter referred to as "non-profit, non-governmental organizations") against music records, etc., which are illegally produced, distributed, or provided for use;
  12. Other matters concerning sound growth and fostering of related business establishments.
- (3) The Minister of Culture, Sports and Tourism shall establish and implement a detailed implementation plan in accordance with the comprehensive plan under paragraphs (1) and (2). Necessary matters for such plans shall be prescribed by Presidential Decree.  
<Amended by Act No. 8852, Feb. 29, 2008>

## CHAPTER II PROMOTION OF MUSIC INDUSTRY

### Article 4 (Support for Startup Businesses and Production)

- (1) The Minister of Culture, Sports and Tourism may provide support necessary for stimulation for start-up businesses for the music industry and stable growth and development of new business starters. <Amended by Act No. 8852, Feb. 29, 2008>
- (2) The Minister of Culture, Sports and Tourism may grant a loan for all or part of financial resources required by music composers and producers of music records or music video products or may provide other support to strengthen the competitiveness of the music industry and promote the development of music products of superior quality.  
<Amended by Act No. 8852, Feb. 29, 2008>
- (3) Matters necessary for the procedure for providing support pursuant to paragraphs (1) and (2) and other relevant matters shall be prescribed by Presidential Decree.

### Article 5 (Management, etc. of Data concerning Music Industry)

- (1) The Minister of Culture, Sports and Tourism shall collect, survey, preserve, and supply data, information, and statistics concerning the music industry at large, within Korea and overseas, including data relevant to music records, etc., the technical level of the music industry, research trend, market trend, and the current status of business operators for the promotion of music industry. The Minister may take necessary measures for these purposes, such as requesting any institution or organization concerned to submit data, and the institution or organization which is requested to submit data or any other material shall fully cooperate to comply with such request.  
<Amended by Act No. 8852, Feb. 29, 2008>
- (2) The Minister of Culture, Sports and Tourism may designate or establish and operate an institution responsible for the management of data and information related to the music industry in order to carry out the business affairs under paragraph (1).  
<Amended by Act No. 8852, Feb. 29, 2008>
- (3) Matters necessary for implementing the matters referred to in paragraphs (1) and (2) shall be prescribed by Presidential Decree.

### Article 6 (Fostering of Specialized Human Resources)

- (1) The Minister of Culture, Sports and Tourism shall take the following measures to foster specialized human resources required for laying the foundation for the music industry:  
<Amended by Act No. 8852, Feb. 29, 2008>
1. Maintaining the balance of supply of and demand for human resources for the music

- industry and securing good specialized human resources;
- 2.Strengthening cooperation between the industry, academia, and the Government;
- 3.Increasing opportunities for training and international exchanges of specialized human resources;
- 4.Strengthening research infrastructure and education capability of academia;
- 5.Increasing opportunities for advancement of specialized human resources into the related industries;
- 6.Other matters for fostering human resources for the music industry.

(2)Matters necessary for implementing the matters under paragraph (1) shall be prescribed by Presidential Decree.

#### Article 7 (Promotion of Development of Technology)

The Minister of Culture, Sports and Tourism shall establish a medium and a long-term plan necessary for the development of music-related technology and implement the following matters to develop technology necessary for laying the foundation for the music industry and raise technical level: <Amended by Act No. 8852, Feb. 29, 2008>

- 1.Matters concerning surveys on the trends of and demand for technology and the research, development, evaluation, and utilization of technology;
- 2.Matters concerning cooperation in, guidance for, and transfer of technology and smooth distribution of technical information;
- 3.Matters concerning linkages between institutions related to music technology and creation of an environment for efficient development of technology;
- 4.Other matters prescribed by Ordinance of the Ministry of Culture, Sports and Tourism in connection with the development of music technology.

#### Article 8 (Collaborative Development and Research)

- (1)The Minister of Culture, Sports and Tourism shall endeavor to facilitate collaborative development and research by sharing human resources, facilities, equipment, materials, funds, information, and other resources for the development and research of music records, etc. <Amended by Act No. 8852, Feb. 29, 2008>
- (2)The Minister of Culture, Sports and Tourism may subsidize any person who promotes collaborative development and research referred to in paragraph (1) for all or part of the expenses incurred therein. <Amended by Act No. 8852, Feb. 29, 2008>

#### Article 9 (Promotion of Standardization)

- (1)The Minister of Culture, Sports and Tourism shall promote the standardization of music records or the like for the efficient development of music records, etc., the improvement of quality, and the assurance of universality, and may prescribe matters necessary for the scope of such standardization and other relevant matters by Ordinance of the Ministry of Culture, Sports and Tourism and recommend them. <Amended by Act No. 8852, Feb. 29, 2008>
- (2)The Minister of Culture, Sports and Tourism may, if necessary for promoting projects for the standardization referred to in paragraph (1), designate an institution or organization specializing in the music industry to carry out such standardization projects and may also grant a subsidy for all or part of the expenses incurred in the standardization projects. <Amended by Act No. 8852, Feb. 29, 2008>

#### Article 10 (Revitalization of Distribution)

The Minister of Culture, Sports and Tourism shall enforce the labeling of music records, etc. with identification marks to for sound distribution of music records, etc., and shall establish and implement necessary policies therefor. <Amended by Act No. 8852, Feb. 29, 2008>

#### Article 11 (Education of Karaoke Business Entities)

(1) In any of the following cases, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (Gu means an autonomous Gu; hereinafter the same shall apply) may require karaoke business entities to attend an educational course on their respective obligations, preventive measures against disasters, amendments to systems, and other relevant matters, as specified by Presidential Decree: <Amended by Act No. 15379, Feb. 21, 2018>

1. Where a person registers his/her newly established karaoke business;
2. Where there is any amendment to a system concerning the operation of karaoke businesses, the preventive measures against disasters, or any other matter;
3. Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu deems it necessary to conduct an educational course.

(2) Notwithstanding paragraph (1), a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall conduct an education course for karaoke business entities falling under paragraph (1) 1. In such cases, educational courses may be conducted collectively once each month or each quarter. <Amended by Act No. 15379, Feb. 21, 2018>

#### Article 12 (Assistance in International Cooperation and Advancement into Overseas Markets)

(1) The Minister of Culture, Sports and Tourism shall lay a foundation for boosting international cooperation and exchange of the music industry and raising the international standing of the industry. <Amended by Act No. 8852, Feb. 29, 2008>

(2) In order to promote advancement of music records, etc. into overseas markets, the Minister of Culture, Sports and Tourism may provide support for activities to establish cooperative systems in relation to exportation, including joint production with foreign countries, assistance in marketing and advertising activities in overseas markets, inducing of foreign investments, and holding of international music record fairs. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Culture, Sports and Tourism may establish and operate offices in foreign countries in order to efficiently promote the activities referred to in paragraphs (1) and (2). <Amended by Act No. 8852, Feb. 29, 2008>

#### Article 13 (Revitalization of Music Performances)

The Minister of Culture, Sports and Tourism may subsidize any person who intends to install and operate facilities for public performance or who intends to conduct a public performance for part of the expenses incurred therein in order to revitalize music performances. <Amended by Act No. 8852, Feb. 29, 2008>

#### Article 14 (Protection of Intellectual Property Rights)

(1) The Minister of Culture, Sports and Tourism shall take measures to protect intellectual property rights to music records, etc. in order to protect and foster creative activities

for music records, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10629, May 19, 2011>

(2)The Minister of Culture, Sports and Tourism may support the following activities to prevent illegal reproduction or distribution of music records, etc.: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10629, May 19, 2011>

1. Technical protective measures for music records, etc., and labeling of information concerning control of rights;
2. Education and public relations activities related to intellectual property rights, such as copyright to music records, etc.;
3. Other matters relevant to the protection of intellectual property rights.

(3)The Minister of Culture, Sports and Tourism may designate a specialized institution or organization, and entrust relevant activities referred to in paragraph (2) to the institution or organization so designated, in accordance with Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(4)If necessary to protect the intellectual property rights of music records, etc., the Minister of Culture, Sports and Tourism may request the heads of the relevant central administrative agencies to render cooperation for the improvement of relevant systems, rationalization of operation, etc. <Newly Inserted by Act No. 15379, Feb. 21, 2018>

#### Article 15 (Protection of Users' Rights)

(1)The Minister of Culture, Sports and Tourism shall take measures for the following matters to protect users' rights in promoting the music industry: <Amended by Act No. 8852, Feb. 29, 2008>

1. Public relations and educational activities for the use of music records, etc. in a sounder manner;
2. Social responsibility of persons engaged in the music industry, for protecting users of music records, etc.;
3. Remedial measures for complaints of and damages to users of music records, etc.;
4. Other matters relevant to the protection of users of music records, etc..

(2)Every person who engages in a business of producing or distributing music records, etc. or providing the same for use shall fully cooperate in promoting protective measures for users of music records, etc. referred to in paragraph (1).

### CHAPTER III REPORTING OR REGISTRATION OF BUSINESSES AND DISTRIBUTION OF MUSIC RECORDS, ETC.

#### SECTION 1 Reporting, Registration, and Operation of Businesses

##### Article 16 (Reporting of Music Record and Music-Video Production Businesses, etc.)

(1)Any person who intends to run a music record and music-video production business or a music record and music-video distribution business shall file a report with the competent Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "competent Mayor/Do Governor"): Provided, That such reporting may be omitted in any of the following cases: <Amended by Act No. 9493, Mar. 18, 2009; Act No. 15379, Feb. 21, 2018>

1. Where the State or a local government produces a music record, etc.;
- 2.

- Where an educational institution or training institute established pursuant to statutes produces a music record, etc. for use in its own educational or training program;
3. Where a broadcasting business operator under the Broadcasting Act produces a music record, etc. for use in broadcasting;
  4. Where a public institution under the Act on the Management of Public Institutions produces a music record, etc. for use in advertisement of its business;
  5. Where a person produces a music record, etc. for use in the four ceremonial occasions of coming-of-age, marriage, funeral, or ancestral rite, or religious rituals: Provided, That the same shall not apply where it is distributed, played, or provided for use to the general public;
  6. Other cases specified by Presidential Decree.
- (2) Any person who intends to run an online music service business shall file a report with the competent Special Self-Governing City Mayor, the competent Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu: Provided, That the same shall not apply to an online music service business specified by Presidential Decree. <Amended by Act No. 15379, Feb. 21, 2018>
  - (3) Any business operator specializing in the production or distribution of music video products or music video files shall, if he/she completes the reporting pursuant to paragraph (1), be deemed to have filed a report on his/her business specializing in the production or distribution of video products referred to in Article 57 of the Promotion of the Motion Pictures and Video Products Act.
  - (4) Necessary matters concerning the procedure for and method of reporting and the management thereof in accordance with paragraphs (1) and (2) and other relevant matters shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

#### Article 17 (Rating, etc. of Music Video Products)

- (1) Any person who produces or distributes (including imports) a music video product or music video file shall have its contents rated by the Korea Media Rating Board under Article 71 of the Promotion of the Motion Pictures and Video Products Act before he/she releases the music video product or the music video file concerned.
- (2) As to the rating and sale (including service provided by an online music service provider) of music video products and music video files, Articles 50 through 56, 65, and 66, subparagraph 5 through 7 of Article 95, Articles 97, 98 (1) 4 through 6, 98 (2) 8, and 99 shall apply mutatis mutandis. In such cases, the term "video product" shall be construed as "music video product or music video file."

#### Article 18 (Registration of Karaoke Business)

- (1) Any person who intends to run a karaoke business shall have facilities suitably equipped for a karaoke business prescribed by Ordin