

Recent Trends of Law & Regulation in Korea

Issue and Law

- **The Fight against Deepfakes**
- **The Role of the Content Dispute Resolution Committee: Mediating Content Disputes in the Digital Age**
- **Film Korea! Location Incentive Program**

Living in Korea

- **K-Movie-Related Businesses: Ways to Enjoy Movies Beyond Just Watching Them**





Editor’s Note

Dear Readers

In response to the increasingly serious issue of deepfake crimes, countries around the world have been making exceptional efforts, and Korea is also aligning with this global trend by recently passing legislation related to deepfakes. Behind the spread of such illegal videos lies the rise of Korean video content in the global market. In particular, with the spread of the "Korean Wave" centered around films, this 45th edition will examine both the positive and negative aspects of deepfake technology, as well as the implications this technology holds for the film industry.

In the "Issue & Law" section, we explore Korea’s strengthened measures against deepfakes, focusing on the recently revised legislation, and introduce the Content Dispute Resolution Committee and the Location Incentive Program, both of which have been established to foster the Korean video industry. In "Case Law," we delve into the Supreme Court ruling that overturned the previous ruling and determined that linking to a replay site constitutes aiding and abetting copyright infringement. "Living in Korea" introduces various film festivals and systems that can enhance your K-movie viewing experience even more exciting and diverse, so we encourage you not to miss it.

We want to express our gratitude to our loyal readers, contributors, and the dedicated team behind the scenes. We kindly ask for your continued support and interest.

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The Republic of Korea government has changed its official “government identity.” The new logo conveys the dynamism and enthusiasm of the country with the three colors of blue, red and white. It echoes off Korea’s national flag Taegeukgi with the taegeuk circular swirl and the blank canvas embodies in white. The typeface

was inspired by the font used in the “Hunminjeongeum” (1446), the original Hangeul text, in consideration of the harmony embodied in the taegeuk circle. Starting March 2016, the new logo is used at all 22 ministries including the Ministry of Justice and 51 central government agencies.

The Fight against Deepfakes

Background Information

Deepfake, a blend of "deep learning" and "fake," refers to technology that uses deep learning techniques to synthesize human images. Deepfake technology has made it possible to create and manipulate videos that do not exist in reality, making them more creative and appealing. For example, in the Netflix series A Killer Paradox, a child actor plays the main character, and his face was created using deepfake technology. In the JTBC drama Welcome to Samdalri, the face of the late beloved Korean TV show host was also recreated using deepfake technology.

However, an increase in illegal deepfake content has become an unfortunate byproduct of the rapid advancements in deepfake technology. With the number of deepfake crimes rising, there is growing concern that anyone could fall victim to such crimes. In response, Korea has made dedicated efforts, including revisions to relevant laws and the formation of task forces, among other measures. Against this backdrop, this article will focus on the rise of deepfake crimes, the countermeasures taken by Korea, as well as regulatory efforts in other countries and their implications.

Deepfake Issues in Korea

[1] Deepfake Sex Crimes

In 2019, Korea was shocked when videos featuring the faces of female celebrities swapped with those of pornographic actors went viral. Since then, the scope of the damage has expanded, affecting individuals from universities, elementary, middle, and high schools, as well as the military. In 2024, Korea witnessed a case where pornographic deepfakes were created using the faces of fellow female students and shared in group chat rooms at certain universities. The subsequent investigation revealed that around 70 group chat rooms operated by university students were sharing explicit deepfake content.

Moreover, deepfake sex crimes involving teenagers have become a serious issue, partly due to their lack of awareness regarding the criminal nature of deepfake creation. It was found that 73.6% of the suspects in deepfake sexual crimes were teenagers. From January to October, 2024,



542 reports of deepfake-related sexual crimes were filed by teenage victims, with the total number of victims reaching approximately 901.

[2] Deepfakes in Elections

During the 2022 presidential election season, some candidates used deepfake technology to create manipulated replicas of themselves in an effort to appeal to voters by presenting more friendly and relatable images. While the potential of deepfake technology as a tool for diversifying election campaign strategies became apparent, it also sparked controversy due to the risk of misleading voters. Even more concerning is the possibility that deepfakes could serve as a gateway for the spread of misinformation, which could distort public opinion. In fact, fake political statements, supported by deepfake videos, have gone viral multiple times on various portals and social media, creating a stir in Korean society. Since the term "deepfake" first appeared in 2017, fabricated deepfake videos showing candidates making extreme statements they never actually uttered have made headlines during elections, including the 2017 and 2022 presidential elections, as well as the 2020 general election. These incidents have sparked significant concern over the potential risks deepfakes pose to the fairness and integrity of the electoral process.

Countermeasures in Korea

Korea does not yet have a comprehensive law specifically covering AI, but deepfake crimes are prosecuted under relevant provisions of existing laws. The country is responding to the rising number of deepfake crimes by amending related laws and introducing various countermeasures.

[1] Deepfake Sexual Crime Prevention Act

As deepfake sexual crimes have become a serious social issue, relevant authorities—including the Ministry of Justice, the Korean National Police Agency, and the Ministry of Gender Equality and Family—have collaborated to announce the “Strengthened Measures to Combat Deepfake Sexual Crimes” on November 6, 2024. These measures consist of 10 tasks across 4 major areas: 1) strong and effective punishment, 2) enhanced platform accountability, 3) rapid and reliable victim protection, and 4) tailored prevention education and awareness campaigns. A key legislative achievement in these strengthened efforts is the enactment of the Deepfake Sexual Crime Prevention Act.

On September 26 of this year, the National Assembly passed the Deepfake Sexual Crime Prevention Act, which amended the Act on Special Cases Concerning the Punishment of Sexual Crimes, the Act on the Protection of Children and Youth Against Sex Offenses, and the Sexual Violence Prevention and Victims Protection Act to address deepfake sexual crimes. This law was designed to close legal gaps that had remained unresolved under existing regulations.

Before the adoption of the new legislation, penalties for editing, synthesizing, processing, or distributing fabricated videos were weaker than those for illegal videos, and there were no provisions for punishing the possession or viewing of such content. Additionally, while platforms based in Korea or those with local offices were subject to regulation, platforms based overseas, like Telegram, were virtually unregulated. Different government agencies—both central and local—had separately established and operated support centers for victims of digital sex offenses.

The recent amendments aim to address these legal loopholes. First, the Act on Special Cases Concerning the Punishment of Sexual Crimes has been amended to include enhanced penalties for editing, synthesizing, processing, or distributing fabricated videos, bringing them in line with penalties for illegal filming. The newly enacted law also criminalizes the possession of such videos or their use for blackmail or coercion.

Second, the amendment to the Act on the Protection of Children and Youth Against Sex Offenses now makes it punishable to use child or youth sexual exploitation materials for blackmail or coercion. Additionally,

concealed identity investigations may be conducted with post-approval in emergency situations, and the police are required to notify the Korea Communications Standards Commission to remove sexually exploitative materials involving children or youth.

Third, the amended Sexual Violence Prevention and Victims Protection Act has expanded the authority to request the deletion of illegal photos or videos to include both local and central governments. This allows them to provide support for the removal of victims' personal information that has been or is believed to have been distributed online. Moreover, the law provides a legal basis for the installation and operation of Advocacy Centers for Online Sexual Abuse Victims at both central and local levels.

Act on Special Cases Concerning the Punishment of Sexual Crimes

- Strengthened penalties for editing, synthesizing, processing, and distribution of false video content
- New penalties introduced for the possession, purchase, storage, or viewing of false video content
- New penalties introduced for the use of false video content for threats or coercion

Act on the Protection of Children and Youth against Sex Offenses

- New penalties introduced for the use of child or youth sexual exploitation materials for threats or coercion
- Post-approval allowed for investigations involving concealed identities
- New obligation for the police to request the deletion of child or youth sexual exploitation materials

Sexual Violence Prevention and Victims Protection Act

- Expansion of authorities responsible for issuing deletion requests
- New support mechanisms introduced for the deletion of victims' personal information.
- Legal foundation established for the creation and operation of the Advocacy Center for Online Sexual Abuse Victims

Source: Ministry of Justice Press Release

[2] Deepfake Election Campaign Prohibition Act

Ahead of the 22nd General Election on April 10th of this year, concerns arose about the potential political misuse of deepfake videos. In response, the National Election Commission (NEC) implemented various preventive measures, including amending relevant laws and forming a dedicated team focused on artificial intelligence (AI). In December 2023, the



Deepfake Election Campaign Prohibition Act, which amended the Public Official Election Act, was passed by the National Assembly.

The Act stipulates that the production, editing, distribution, screening, or posting of deepfake videos for the purpose of conducting an election campaign is prohibited from 90 days before the election day until election day itself. Outside of this period, the production, editing, distribution, screening, or posting of deepfake videos for election campaign purposes is allowed, provided it is clearly indicated that the content is virtual information created using artificial intelligence technology.

**Public Official Election Act Article 82-8
(Election Campaign Using Deep Fake Video)**

- (1) No one shall produce, edit, distribute, screen, or post a virtual sound, image, video, etc. (hereinafter referred to as "deep fake video, etc.") made with artificial intelligence technology, etc. and hard to distinguish from the real one for the purpose of conducting an election campaign from 90 days before the election day to the election day.
- (2) Where any person produces, edits, distributes, screens, or posts deep fake videos, etc. for an election campaign for any period other than the period referred to in paragraph (1), he or she shall indicate such matters on the deep fake videos, etc., as prescribed by Regulations of the National Election Commission, in order to help people clearly recognize that the relevant information is virtual information made with artificial intelligence technology, etc.

In January, the NEC established the AI Deepfake Special Response Monitoring Group, which consists of 59 monitoring personnel and 3 identification experts, to detect illegal deepfake videos. The group follows a three-step identification process:

1. First step: The AI Intelligent Cyber Election Crime Response System automatically collects and reviews political posts suspected of being illegal.
2. Second step: A general-purpose program is used to determine whether the content is deepfake-manipulated. If identified as such, a deletion request can be issued.
3. Third step: For highly sophisticated deepfake content, the group may consult the three AI expert advisors for further analysis.

According to the NEC's announcement, 129 posts violating the Public Official Election Act through the use of deepfakes were detected within just 20 days of the Act's enforcement on January 29.

Regulations in Other Countries

[1] EU

– EU AI Act

The EU Artificial Intelligence Act, drafted to promote the safe use of artificial intelligence, was passed in March 2024 and is set to be implemented in 2026. The Act categorizes AI systems into four levels of risk:

1. Unacceptable risk

2. High risk
3. Limited/transparency risk
4. Minimal or no risk

Different regulations are applied to each category. Deepfake technology is classified as a limited-risk AI system. With regard to deepfakes, the law imposes transparency obligations on both AI system providers and deployers. Providers are required to incorporate indicators, such as watermarks or metadata, to enable users to identify whether the content has been artificially generated or manipulated (Article 50 (2)). Additionally, deployers must disclose if the content has been artificially generated or manipulated (Article 50 (4)).

– EU Digital Services Act

The Digital Services Act, which has been in effect since 2023, also includes provisions related to deepfakes. If videos produced with deepfake technology are uploaded to large-scale online platforms or online search engines, the service providers are obligated to make these videos clearly distinguishable through prominent markings (Article 35 (1)). Failure to comply with this requirement may result in a fine of up to 6% of the provider's annual worldwide turnover (Article 52 (3)).

[2] The United States

– Federal Law

Currently, the United States does not have a comprehensive federal law specifically regulating deepfakes, though numerous relevant bills are proposed annually. The DEEPFAKES Accountability Act (Defending Each and Every Person from False Appearances by Keeping Exploitation Subject to Accountability Act of 2023), introduced in September 2023, was the first federal-level effort to address deepfakes. The bill mandates that those who disclose or distribute deepfakes must insert metadata proving the content's originality and include watermarks to track its source. Failure to comply with these requirements would result in penalties. However, the bill was not passed due to criticisms regarding potential infringements on privacy and freedom of expression.

The No AI Fraud Act (No Artificial Intelligence Fake Replicas and Unauthorized Duplications Act of 2024) aims to protect victims of deepfakes by criminalizing the unauthorized digital depiction of living or deceased individuals' likenesses or voices. Additionally, the DEFIANCE Act (Disrupt Explicit Forged Images and Non-Consensual Edicts Act of 2024) grants victims of digital forgery the right to file civil lawsuits.

– State Law

As of February 2024, over 40 U.S. states have introduced bills addressing deepfakes, particularly those used in election campaigns or in pornography. California, home to many AI companies, was among the first states to regulate deepfakes. In 2019, California passed two key legislative proposals: Assembly Bill 602 and Assembly Bill 730, both of which address deepfake pornography and fake news during elections. Specifically, AB 602

grants individuals the right to sue creators who intentionally disclose sexually explicit material, while AB 730 prohibits the distribution of deceptive audio or images intended to influence elections within 60 days of an election, unless the media is clearly marked as manipulated. In September 2023, a stricter legislative proposal was submitted, which includes harsher penalties for creators of child or youth sexual exploitation deepfakes. The proposal also provides a legal framework for requesting the removal of election-related deepfakes from major social media platforms.

Implications

The advancement of deepfake technology has provided new opportunities for individuals seeking more entertaining and creative content on video platforms and social media. However, it has also led to an increase in crimes that exploit deepfake technology, misleading content consumers and even putting them at risk of becoming victims. In response, countries around the world, including Korea, are developing various laws and countermeasures to combat deepfake-related crimes. As we navigate this transitional period in which deepfake regulations are being established, it is crucial to ensure that effective and appropriate regulations are implemented to create an environment where individuals can safely access video content.

The Role of the Content Dispute Resolution Committee:

Mediating Content Disputes in the Digital Age

Introduction of Content Dispute Resolution Committee

The emergence of artificial intelligence (AI)-based content and the rapid rise of user-generated content (UGC) in the era of digital transformation have brought significant changes to the content industry, giving rise to new types of content disputes. This has heightened interest in the Content Dispute Resolution Committee, which was established to promote sound transactional and distribution practices, protect users, and foster a fair distribution environment within the content industry. The Committee aims to serve as a cornerstone of the Korean content industry by encouraging free competition and fair transaction practices within the sector. It is collaborating with organizations such as the Korea Consumer Agency and the Fair Trade Commission.

Legal Basis for Establishment and Operation

The growth of the content industry, alongside advancements in networks and devices, has led to an increase in new forms of disputes among industry participants. As the content industry continues to expand, institutional measures are necessary to minimize damage caused by disputes and to prevent such disputes in advance.

Content Industry Promotion Act

Article 29 (Establishment of the Dispute Mediation Committee)

1. A Content Dispute Mediation Committee (hereinafter referred to as the "Mediation Committee") shall be established to mediate disputes related to content transactions or usage between content providers, between content providers and users, or between users. However, disputes related to copyright shall be governed by the Copyright Act, and disputes related to broadcasting and telecommunications that fall under the scope of dispute mediation as defined in Article 35-3 of the Broadcasting Act (excluding cases where the party to the dispute is an outsourcing production company as defined in Article 2(27) of the same Act) or disputes subject to adjudication under Article 45 of the Telecommunications Business Act shall each be handled according to the respective laws. <Amended on January 27, 2016>

In this context, the Content Dispute Resolution Committee was established under Article 29 of the Content Industry Promotion Act to mediate disputes

related to content transactions or usage. These disputes may arise between content providers, between content providers and users, or between users themselves. Article 29 of the Content Industry Promotion Act stipulates: "A Content Dispute Mediation Committee shall be established to mediate disputes related to content transactions or usage between content providers, between content providers and users, and between users." This provision indicates that any dispute related to the transaction or use of content is subject to mediation by the Content Dispute Resolution Committee.

The term "content" refers to data or information expressed in signs, text, graphics, color, voice, sound, images, video, etc. (including combinations thereof). It encompasses a wide range of genres, including movies, music, games, publishing, printing, broadcast images, cultural properties, cartoons, characters, animation, edutainment, mobile cultural content, design, advertising, performance, artworks, crafts, digital content, user-generated content, and multimedia content.

Characteristics of Content Dispute Mediation Procedure

Litigation is the typical method that parties resort to when disputes arise. However, it involves significant time and expense, and operates under a winner-take-all system. In contrast, mediation is an alternative dispute resolution (ADR) mechanism where a neutral third party facilitates communication between the disputing parties, proposes specialized solutions, or encourages compromise to resolve the dispute. This process not only saves time and costs but also preserves confidentiality, allowing the parties to reach a mutually beneficial agreement.

While the Committee is committed to resolving disputes through rational procedures, disputes may remain unresolved if either party refuses to accept the mediation proposal or if the committee fails to provide a proposal. In such cases, the parties may resort to arbitration by an arbitral institution or litigation. In principle, mediation shall be conducted based on the agreement of both parties. If one party refuses mediation, the committee has no authority to compel their participation.

The Committee specifically handles the following types of disputes:



Major Dispute Cases Related to Games

- Disputes over refunds for mobile game payments made by minors
- Disputes concerning payment, such as withdrawal of subscription, cancellation, or termination of contracts
- Disputes caused by service disruptions, such as game server access failures, in-game errors, and bugs
- Disputes over account suspensions due to the use of illegal programs or cash trading of game items

Major Dispute Cases Related to Visual Content (Music, Movies, Animation, Broadcasting, Advertising)

- Disputes regarding refunds for paid IPTV content purchased by minors
- Disputes over unpaid fees for advertisement production or advertising agency services
- Disputes concerning the use and distribution of music tracks

Major Dispute Cases Related to Knowledge & Information

- Disputes over the development of content-related software or applications
- Disputes related to the withdrawal of subscription or termination of contracts for online courses
- Disputes regarding the return of online course materials and promotional gifts

Major Dispute Cases Related to Cartoons, Performance, Characters, and Publishing

- Disputes concerning exclusive contracts with celebrities

Those eligible to apply for content dispute mediation primarily include content providers and content users. Applications from content providers may involve conflicts between providers, while applications from content users may involve disputes between providers and users, as well as between users themselves.

Actual Mediation Case of a Film and Video-Related Dispute [Claims for Agreed Payment]

Case Overview

The applicant and the respondent entered into an agreement wherein the respondent would invest in the applicant's film script production. The applicant received one-fifth of the total agreed development costs as an advance payment from the respondent. The applicant proceeded with the script production, but when the film production was halted and the second installment and further payments were not made, the applicant filed a lawsuit to claim the outstanding payments.

Parties' Claims

| Applicant |

The applicant claimed that the initial draft of the script was completed and sent to the respondent, and that they continued with revisions as stipulated in the contract. The applicant argued that the suspension of production was due to the respondent's unique circumstances.

| Respondent |

The respondent contended that the applicant only shared progress updates but never sent the completed script. The respondent argued that the responsibility for the halt in production rested with the applicant. The respondent had already filed an application for a payment order seeking the return of the advance payment from both the applicant and the applicant's joint and several surety. The payment order against the applicant was finalized, and forced execution was authorized. The suit on the principal matters is ongoing, while the surety has filed an objection.

Mediation Outcome

The mediation panel proposed a settlement in which the applicant would forgo the claim in this case, and the respondent would relinquish the execution rights against the applicant and withdraw the lawsuit against the guarantor. Both parties agreed to this mediation plan. Additionally, the parties agreed that the applicant would retain the copyright to the unfinished draft created during production. The mediation was successfully concluded.

Disputes between content providers are often difficult to resolve through mutual agreement between the parties involved, and most cases are mediated through panel meetings or court-connected mediation. Therefore, there is a growing need to explore ways to expand the authority of the Content Dispute Resolution Committee to implement new ADR mechanisms, such as arbitration, or to render its ex officio mediation decisions enforceable.

Film Korea! Location Incentive Program

Background Information

"Choose our country for your next filming location!" Governments worldwide are increasingly eager to attract global film projects, recognizing the significant economic and cultural impacts such productions can bring. One of the key strategies is the location incentive program, which provides financial support to film production companies that choose to shoot in a foreign country or highlight its history or culture. These companies may be eligible for reimbursement of a portion of their production costs through such programs.

While the economic benefits of this initiative are substantial, it is essential that appropriate laws and regulations are in place to support and regulate these incentive programs. This article will explore location incentive programs in Korea and abroad, and examine the need for legislative reforms to ensure their effectiveness.

Location Incentive Programs in Korea

Since 2011, the Korean Film Council (KOFIC), under the Ministry of Culture, Sports, and Tourism, has operated the KOFIC Location Incentive Program, which offers cash grants to cover part of the production costs for international films shot in Korea. Feature films, TV series, and documentaries that allocate more than 80% of their production costs to foreign capital are eligible for this support. KOFIC evaluates the eligibility of these productions based on three key criteria:

1. The degree to which the work promotes tourism ("tourism expansion").
2. The extent to which the work contributes to the Korean film industry ("quantitative contribution").
3. The level of foreign engagement in the production process ("foreign engagement").

Reimbursements of up to 25% of expenses incurred in Korea are available, provided the film is shot for at least three days in Korea, with production

costs ranging from a minimum of 50 million KRW to a maximum of 2 billion KRW. For films shot for at least ten days in Korea with a production cost of 2 billion KRW or more, a 30% rebate may be offered.

In addition to KOFIC, Korea is home to 12 regional film commissions across 10 major areas, designed to promote the local film industry. These commissions are located in the provinces of Gyeongsangnam-do, Chungcheongbuk-do, Jeollanam-do, Chungcheongnam-do, and Gangwon-do, as well as in the cities of Daejeon, Seoul, Busan, Incheon, and Jeju-do. International films can receive an additional rebate ranging from 10% to 50% from these regional film commissions, on top of the 25% to 30% reimbursement from KOFIC, allowing foreign producers to benefit from a total reimbursement ranging from 35% to 80%.

Notable examples of inbound films benefiting from the KOFIC Location Incentive Program include *Avengers: Age of Ultron* (2015). The majority of inbound films are produced by American studios, including *Pacific Rim 2* (2018), *Black Panther*, *Pachinko*, *To All the Boys: Always and Forever*, and *XO Kitty* (all in 2022). However, producers from outside the U.S. have also taken advantage of this program. Prominent examples include the Canadian sitcom *Kim's Convenience*, which was filmed in Korea in 2020, and two co-productions shot in 2023: the France-Korea co-produced film *Return to Seoul* and the Singapore-Korea co-produced film *Ajumma*.

Location Incentive Programs Around the World

Location incentive programs designed to attract film productions have become increasingly common globally, with over 60 countries offering such incentives at either the central or local government level. These programs have expanded both in number and financial scope, reflecting the promising potential of the film industry and local authorities' desire to stimulate economic growth through location shooting. In 2020, the top five countries offering the largest film incentives, in descending order, were the United States, the United Kingdom, Canada, France, and Australia.

In the United States, the specifics of incentive programs vary by state. Georgia, which boasts the largest production volume, introduced its incentive program in 2005 under the Georgia Entertainment Industry Investment Act. The state currently offers incentives of up to 30%. Over the past decade, Georgia has hosted over 3,000 films and TV projects, positioning itself as a strong competitor to Hollywood, California. Notable works filmed in Georgia include *Avengers: Endgame* (2019) and the Netflix series *Stranger Things* (2022).

France has successfully attracted numerous international film projects through the TRIP (Tax Rebate for International Productions) policy, which provides incentives to foreign producers. The country saw a fourfold increase in the number of films shot locally, from 24 in 2016 to 101 in 2023, after raising the refund rate from 20% to 30% in 2016. A notable example of this success is the Netflix series *Emily in Paris*. Initially, the filmmakers planned to film only some scenes in Paris, but with support from the TRIP policy, they decided to shoot the entire series in France. The first season was filmed over 63 days, and the second season over 75 days, with approximately 23 million euros spent on production in France and around 500 local staff employed.

Applicable Laws

The lack of standardized legal frameworks for obtaining support and cooperation for filming in public places, such as cultural heritage sites and roadways, has often led to confusion during the filmmaking process. The procedures for obtaining permission and support have been criticized as overly complex and unpredictable due to varying protocols across local governments and public institutions. A notable example of such confusion occurred during the filming of *Avengers: Age of Ultron*, when there was uncertainty over whether permission should be granted by the Seoul Metropolitan Government or the Seoul Metropolitan Police Agency. Furthermore, Seoul's residents experienced significant inconvenience as major roads were closed and bus routes were diverted, prompting numerous complaints.

To address these legal gaps, particularly the absence of standardized procedures for obtaining permission to film in public locations, amendments were made to the Promotion of the Motion Pictures and Video Products Act and its enforcement decree in 2015. These amendments introduced a legal framework to support film production in public spaces and established guidelines for filming procedures. Specifically, Article 28-3 of the Act mandates that both central and local governments provide necessary support for filmmaking, including the provision of shooting locations. Article 10-2 of the enforcement decree requires local governments to create ordinances detailing the relevant departments, requirements, and procedures for supporting and cooperating with foreign productions. Korea continues to refine its laws and regulations related to filming locations as part of ongoing efforts to address existing legal loopholes. A pertinent example is the Road Traffic Act, which currently lacks specific provisions addressing film production. As a result, responses to requests for cooperation from international filmmakers may vary depending on the



individual in charge at the local police station or district office. In light of this, the Korea Film Commission and industry insiders are advocating for the inclusion of film-specific provisions in the Road Traffic Act.

Implications

The advantages of attracting foreign film productions through location incentives are increasingly recognized, and countries worldwide are engaged in intense competition to expand their incentive programs. In response to this trend, Korea continues to enhance its efforts to attract foreign filmmakers through its own incentive initiatives and is exploring strategies to establish itself as a central hub for the global film industry. It is hoped that the recent updates to laws and regulations will play a significant role in drawing more foreign productions to Korea, further strengthening its position in the international film market.

Movie Trivia: Legal Criteria for Determining the Nationality of a Film

The nationality of a film is typically determined based on the nationality of the organizations or individuals involved in filmmaking and investment, such as the investors, production companies, and key staff. Determining a film's nationality is crucial for various aspects of production, as it is closely linked to its release, sales of distribution rights, import and export, and submission to film festivals.

The criteria for determining a film's nationality can be viewed from the perspectives of production, investment, and distribution, with the producing and sponsoring countries playing a key role. While this approach may seem simple and convenient, it is not always straightforward, as the nationality of a film does not necessarily affect the viewing experience.

For example, films like *Innocence* and *The Wailing* may initially appear to be distinctly "Korean," but when viewed from the perspectives of production, investment, and distribution, they may not be classified as Korean films. Moreover, determining nationality based on these criteria presents challenges, particularly in an era where the boundaries of capital are increasingly blurred. In such cases, even the nationalities of directors or actors, or the location of filming, may not serve as reliable standards.

Promotion of the Motion Pictures and Video Products Act

Article 2 (Definitions)

3. The term "Korean motion picture" means a motion picture produced by persons (including corporations) headquartered in Korea, and other motion pictures deemed Korean motion pictures pursuant to Article 27

So, what is the current legal basis for determining the nationality of a film? According to Article 2(3) of the Promotion of the Motion Pictures and Video Products Act, a film can be recognized as a "Korean film" if it is produced by an entity (including a corporation) headquartered in Korea, or if it fulfills the criteria for a co-produced film as a joint or artistic film under the rules established by the Korean Film Council (KOFIC).

Promotion of the Motion Pictures and Video Products Act

Article 27 (Recognition of Co-Produced Motion Pictures as Korean Motion Pictures)

1. A co-produced motion picture may be recognized as a Korean motion picture if human or material factors involved in the production of the relevant motion picture or the artistic or technical features of the relevant motion picture meet the standards for recognition as Korean motion picture. <Amended on Oct. 16, 2018>
2. A person who intends to have a co-produced motion picture recognized as a Korean motion picture under paragraph (1) shall file an application therefor with the Korean Film Council.
3. Matters necessary for the procedures and methods of recognition, the standards for recognition as Korean motion pictures, etc. under paragraphs (1) and (2) shall be prescribed by Presidential Decree.
4. Where a co-produced motion picture recognized as a Korean motion picture ceases to meet the standards for recognition as Korean motion pictures after completion of the co-production, the Korean Film Council may cancel the recognition of the co-produced motion picture as a Korean motion picture.

Enforcement Decree of the Promotion of the Motion Pictures and Video Products Act

Article 10 (Application for Recognition of Jointly Produced Motion Pictures as Korean Motion Pictures)

(1) A person who intends to be granted the recognition of a jointly produced motion picture as Korean motion picture under Article 27 of the Act shall file an application (including any application drawn up in the form of electronic document) therefor, accompanied by documents (including any electronic documents) determined by Ministerial Decree of Culture, Sports and Tourism, with the Korean Film Council. <Amended on Feb. 29, 2008>



(2) The Korean Film Council shall, upon receiving an application for the recognition of a jointly produced motion picture as Korean motion picture under paragraph (1), notify the applicant of the results of its deliberation about whether the jointly produced motion picture is recognized as Korean motion picture, within 15 days from the date on which such application is filed: Provided, That the fixed period of deliberation above may be extended when there exists any unavoidable cause, and in that case, the reasons for such extension and the period of dealing with such application shall be notified to the applicant.

(3) The Korean Film Council may recognize as Korean motion picture a jointly produced motion picture that meets the requirements set forth in each of the following subparagraphs beyond a certain level:

1. The extent of Korean manpower's participation in the fields of major manufacturing manpower such as directors, scenario writers, performers and staffs;
2. The extent of utilization of Korean places, equipment, facilities, etc. in shooting the jointly produced motion picture;
3. The extent of utilization of Korean unique manufacturing techniques in producing the jointly produced motion picture or to which the themes or contents of the motion picture represent Korean artistic values.

(4) Matters necessary for the detailed standards, procedures, etc. for recognition of jointly produced motion pictures as Korean motion pictures under paragraph (3) shall be determined by the rules of the Korean Film Council.

For foreign films, the following criteria are applied to determine their nationality: A broadcaster classifies the country of production using a scoring system that considers the nationalities of key individuals involved in the film. These include the screenwriter (1 point), director (1 point), production company (2 points), and lead actor (1 point). A film is classified as being from the country that scores at least 3 points. In the case of dual nationality, both nationalities are recognized. If multiple countries score 3 points, the broadcaster takes the final decision on the nationality.

However, with the rapid globalization of the film industry, the importance of a film's official nationality has diminished. Particularly, films featuring familiar Korean actors or themes relatable to Korean viewers tend to be perceived as "Korean films" by audiences, regardless of their official nationality. A notable example is the film *Minari*, which, despite being produced by a U.S. production company, was widely embraced as a "Korean film" due to its Korean cast and its portrayal of unique Korean sentiments.

Minari was produced by the American production company Plan B Entertainment, but it features a Korean-American director, Lee Isaac Chung, and Korean actors Steven Yeun, Youn Yuh-jung, and Han Ye-ri. The film predominantly uses the Korean language, and its story—revolving around a Korean family trying to settle in America—evokes a strong Korean emotional sensibility. As a result, despite being a small American film, *Minari* attracted over 1 million viewers in South Korea.

Similarly, the Apple TV+ series *Pachinko* follows the story of a Korean immigrant family over four generations. Although produced in the United States, the series creates a strong emotional connection with Korean viewers. This highlights the growing disparity between a film's official nationality and how audiences perceive its nationality. With the increase in overseas content focused on Korea, there are growing calls to broaden the definition of Korean content to reflect these evolving dynamics.

The Supreme Court's *En Banc* Decision on Aiding and Abetting Copyright Infringement by Replay Sites



Background Information

On November 10, 2024, the operator of Nunu TV, an illegal streaming platform, was apprehended. Nunu TV gained notoriety not only for illegally streaming a wide range of the latest OTT content, but also for evading government crackdowns by operating servers overseas. The Council for

the Protection of Video Copyrights estimates that the damage caused by Nunu TV amounts to approximately 5 trillion won. This arrest has renewed attention on websites providing links to infringing content. Unlike platforms like Nunu TV, these sites do not upload content directly. Instead, they compile and post hyperlinks that direct users to illegal streaming platforms such as Nunu TV.

Given this, it is reasonable to assume that the role of these link websites in contributing to copyright infringement caused by illegal platforms like Nunu TV is significant. The issue of whether hyperlinking constitutes copyright infringement has been addressed in two en banc rulings by the Supreme Court of Korea, one in 2015 and the other in 2021.

The more notable decision is the 2021 ruling. In the 2015 case, the court ruled that merely publishing a link does not constitute aiding or abetting copyright infringement. However, in 2021, the Supreme Court overturned this precedent, deciding that sharing links to infringing content through replay websites constitutes aiding and abetting copyright infringement. Considering the shift in public awareness of copyright issues between 2015 and 2021, what factors might have influenced the Supreme Court's decision to overturn its earlier ruling?

Case Facts

First, let's look at a brief overview of the cases. Both the 2015 and 2021 rulings centered on whether providing links to illegal content through replay link sites constitutes aiding and abetting copyright infringement.

The starting point of the discussion is the fact that the links posted on these sites direct users to illegal content. Under the Copyright Act, in order to use a copyrighted work, permission must generally be obtained from the copyright holder. If a website like Nunu TV directly uploads illegal content, it becomes the "principal offender" of copyright infringement. However, the key issue in these cases was whether those who run sites that aggregate and post links to such illegal content could be considered "accessories" to the infringement.

What specific copyright has been violated by these sites? It is the "public transmission right." Article 2(7) of Korea's Copyright Act defines public transmission as "transmitting works, stage performances, phonograms, broadcasts or database by making such available to the public by wire or wireless means so that the public may receive them or have access to them."

Copyright Act Article 2 (7)

The term "public transmission" means transmitting works, stage performances, phonograms, broadcasts or database (hereinafter referred to as "works, etc.") by making such available to the public by wire or wireless means so that the public may receive them or have access to them;

The act of providing illegal content for streaming online is a typical example of public transmission. Uploading works to servers in a manner that allows the public to access them at a time and place of their choosing, even without directly transmitting them, fulfills the criteria for public transmission. Both the 2015 and 2021 rulings, based on this reasoning, agreed that websites like Nunu TV, which upload and stream infringing content, violated the Copyright Act.

Subject Matter of Review

(1) Decision 2012Do13748

● Decided March 12, 2015

However, the Supreme Court expressed divergent opinions on the sites offering hyperlinks to infringing content.

In the 2015 ruling (hereinafter "precedent"), the Supreme Court held that hyperlinking shall not be deemed as aiding and abetting copyright infringement. It cited that hyperlinking does not facilitate the execution of a crime, but just allows link providers to take advantage of copyright infringement. Such judgement is derived from the necessity of protecting the freedom of speech as hyperlinking serves as one of the key roles in enabling users to sharing information on the internet. In such regard, the precedent stated that hyperlinks are just an indication of the location or routes to access illegal content sharing platforms, and thus hyperlinking shall not be regulated under the name of aiding and abetting of copyright infringement.

(2) Decision 2017Do19025

● Decided September 9, 2021

However, the Court overruled the previous ruling in its 2021 decision, holding that hyperlinking constitutes aiding and abetting of copyright infringement. The reasons for this decision were as follows:

First, the freedom to publish links is not without limits.

Constitution of the Republic of Korea Article 21 – Freedom of Speech

(1) All citizens shall enjoy freedom of speech and the press, and freedom of assembly and association.
(4) Neither speech nor the press shall violate the honor or rights of other persons or undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting therefrom.

While Article 21(1) of the Constitution guarantees that “all citizens shall enjoy freedom of speech and the press,” it also underscores the responsibilities and duties that come with these rights. It specifies that “neither speech nor the press shall violate the honor or rights of other persons or undermine public morals or social ethics.” In this context, the act of hyperlinking in an online space is not completely exempt from such responsibilities. If it infringes on others' rights or facilitates such infringements, it can be subject to legal consequences. The 2021 ruling clarified that this principle applies to cases involving replay link sites.

Second, the activity of replay sites offering links to infringing content fulfills the requirements to be recognized as aiding and abetting under the Criminal Act.

Article 32(1) of the Criminal Act stipulates that “those who aid and abet the commission of a crime by another person shall be punished as accessories.”

Article 32 (Accessories)

(1) Those who aid and abet the commission of a crime by another person shall be punished as accessories

To constitute criminal aiding and abetting, one must be fully aware of the principal offender's preparation for the crime or the fact that the principal's actions are criminal. The conduct must also be closely linked to the realization of the crime, either by enabling, promoting, or facilitating the principal's execution of the crime, or by increasing the level of infringement on legal rights before the crime finishes. Additionally, the accessory must have the intent to assist in the principal's crime, and the principal must have the intent to commit the crime.

In this case, it was clear that the operator of the replay site acted with willful intent. Despite knowing that the illegal streaming sites were uploading infringing content, the operator continued to provide links to those sites for profit. This conduct clearly facilitated the principal's crime, as the operator was fully aware that the actions of the principal met the criteria for criminal behavior. It is reasonable to conclude that the operator intended to aid and expand the infringement of transmission rights.

The operator's intent ultimately led to the actual infringement of legal rights. Without the replay site providing these links, users who otherwise would not have discovered the infringing content were able to easily access it. By posting the links, the operator made it easier for the principal to provide infringing content to the public, thereby exacerbating the infringement of transmission rights.

A causal relationship between the act of aiding and the actualization of the crime by the principal is also recognized. If the operator's links made it



easier for the public to access infringing content at a time and place of their choosing, it can be concluded that the operator's actions were closely related to the principal's crime. The Court reasoned that the offering of links went beyond merely exploiting a situation where transmission rights were being infringed, establishing a direct causal connection to the crime.

Third, large-scale copyright infringements occurring online are primarily perpetrated using overseas servers. If the aiding acts through hyperlinking cannot be controlled domestically, the damage to copyright holders will be significant. Currently, there are practical limitations in tracking down or apprehending principal offenders without international cooperation, making enforcement and punishment of such offenses challenging. In this context, failing to penalize those who assist in the realization of the principal's crime, such as operators of replay link sites, would effectively amount to neglecting the copyright infringement situation, which would be excessively harsh on the copyright holders.

Implications

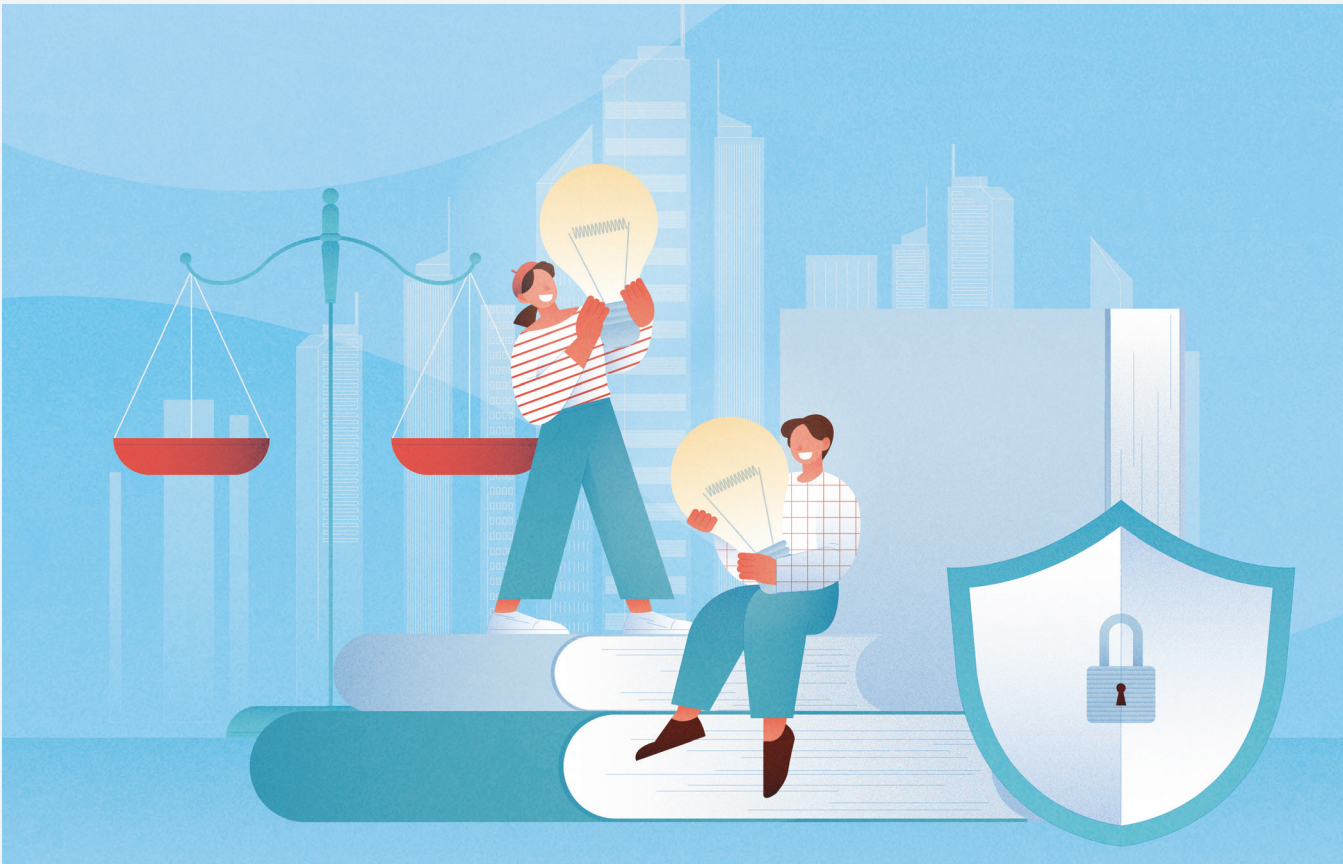
However, the 2021 ruling included a caveat: there must be firm evidence to support the conviction of aiding and abetting. Given that hyperlinking is an essential tool for exercising freedom of expression, the freedom to post links should be broadly protected. If every act of hyperlinking is automatically considered aiding and abetting copyright infringement, it

could stifle everyday information exchange and sharing among citizens. Therefore, in determining whether hyperlinking constitutes aiding and abetting a violation of the public transmission right, it is essential to apply strict criteria, including: 1) whether the defendant was aware that the content to which the links directed users was infringing, and 2) whether there was a sufficient causal connection between the hyperlinking and the intentional infringement of copyright.

Meanwhile, some justices dissented from the majority opinion. They argued that the decision to classify hyperlinking as aiding and abetting was an overextension of the concept of "aiding and abetting." This, they contended, could lead to excessive criminal penalties and go against the trend of de-criminalizing certain aspects of personal privacy. Furthermore, they cautioned that altering the scope of criminal conduct in this way could create legal instability, as actions previously not deemed criminal could now be prosecuted. They suggested that instead of changing established precedents, the issue should be addressed through thorough social debate and new legislation.

The content industry has welcomed the new ruling. Wavve, one of the leading OTT platforms in Korea, stated, "After facing numerous challenges due to legal limitations, we are relieved to see a decision that finally allows for the punishment of illegal hyperlinking." They also added, "We feel that the tide is changing, as evidenced by the recent Supreme Court

ruling and the National Assembly's ongoing efforts to amend the Copyright Act." As the Korean content industry continues to thrive, copyright protection has become more important than ever. Now, it is more crucial than ever to strike a balance between ensuring freedom of expression and protecting copyright. It remains to be seen what future rulings and legal frameworks will emerge in the context of copyright protection.



Preserving, Restoring, and Expanding Korean Cinema to the World:

The Role of the Korean Film Archive

Min Byunghyun

Head of Strategic Planning Team

Q: *Please walk us through the Korean Film Archive (KOFA) and its main tasks.*

The Korean Film Archive (KOFA), one of three major public organizations related to the film industry in Korea, plays a key role in the advancement of the Korean film industry. Our history dates back to 1974, when we were established as the Korean Film Depository in Namsan, Seoul. After being located at the Seoul Arts Center in Seocho, we relocated to our current location at the DMC Complex in Sangam in 2007. This year marks the 50th anniversary of our establishment.

KOFA functions as a film archive dedicated to preserving motion pictures, including films produced in Korea, for future generations. Our primary tasks can be summarized into five key categories: collection, preservation, utilization, research, and restoration. Specifically, we collect both historical



and contemporary films, ensure their secure and systematic preservation, and provide access to these films for viewing by modern audiences. Additionally, we conduct research and publication on the history of Korean cinema, and we also focus on cleaning and restoring damaged film prints.

In summary, the core responsibilities of KOFA are collection, preservation, utilization, research, and restoration.

Q: *What kind of services and facilities do you offer for foreign users?*

Foreign users can benefit from both our offline and online services.

Offline Services:

One of our prominent offline services is the Cinematheque KOFA, located

on the basement floor of our building. This cinema screens a variety of classic, artistic, and independent films from both Korea and abroad throughout the year. We recommend foreign visitors interested in Korean classic films to check the screening schedules posted on our website, as many screenings are offered with English subtitles.

On the first floor, we have the Korean Film Museum, which offers a permanent exhibition dedicated to the history of Korean cinema. In addition, we organize biannual special exhibitions focused on specific directors or actors.

On the second floor, the Film Reference Library provides access to VHS tapes, DVDs, and digitally remastered versions of Korean classics. It also offers a wide range of film-related publications, scripts, and research papers. Foreign users can easily search for the materials they are interested in, as the search function is available in English. All these offline services are available free of charge.

Online Services:

On the online front, we operate a YouTube channel and the KMDb (Korean Movie Database). Our YouTube channel features Korean classic films, animated films, and videos on the restoration of movies, all of which are free to access. Moreover, most videos are equipped with English subtitles to ensure they are accessible to international audiences.

The KMDb is an online database managed by our institution that provides comprehensive information about Korean cinema. While other popular search portals, such as Daum and Naver, typically list only key staff like directors and main actors, the KMDb offers a Full Credit Service, which records and organizes the names of all actors and staff listed in the film credits. In other words, anyone involved in the creation of a Korean film, no matter how big or small their role, is registered in the KMDb. The goal of this database is to honor and preserve the contributions of everyone who has been part of Korean film production.



Q: *Please give us more details about the YouTube channels streaming Korean films.*

As mentioned, while we offer offline services, the location of our institution is somewhat far from the central Seoul, which is why we have been focusing on developing online streaming services. We believe this is the most practical and accessible way for foreigners, both in Korea and abroad, to enjoy Korean cinema.

Among our YouTube channels, the Korean Classic Film channel has the largest number of subscribers. Currently, this channel is streaming 222 classic Korean films. With nearly 920,000 subscribers, the channel is expected to surpass 1 million very soon. The subscriber base is diverse, with viewers from the U.S., Japan, Indonesia, Vietnam, and many other countries. About half of the subscribers are from overseas.

One reason for this large international following is likely the English subtitle service. All 222 films on the channel offer English subtitles, making it easier for foreign viewers to enjoy these films. We are proud to offer the easiest and most convenient way for international audiences to access classic Korean films through our Korean Classic Film channel.

Q: *I understand that classic film restoration is definitely one of KOFA's major jobs. Could you elaborate on the process?*

When KOFA refers to restoration, we mean digital restoration, which primarily consists of two processes. The first is cleaning damaged film prints. A single second of footage is made up of around 24 frames, and the consecutive movement of these frames creates the illusion of motion. However, the frames of older films often differ in the degree and location of damage. This means that KOFA's restoration experts must carefully examine each individual frame to restore the entire film.

As such, film restoration is inherently a labor-intensive process. Even the most advanced machines or technologies cannot fully replace the expertise and attention to detail that human experts bring to the task. This is why restoration requires an immense amount of time and effort. Some people may think that films can be easily restored using machines alone, but that is far from the case.

The second process involves digitally remastering the film. Films, as a physical medium, have many limitations when it comes to screening. However, digital restoration allows films to be streamed anywhere in the world, free from the constraints of physical space, much like YouTube videos.

Although digital remastering is not as intricate as film restoration, it is still a challenging task. A film's color tone, including brightness and contrast, reflects the director's artistic vision. Therefore, digital remastering experts work diligently to preserve the original color tone and texture as closely as possible to the director's intentions. In this sense, digital remastering requires a clear vision and philosophy, whereas film restoration leans more heavily on skill and technique.

Q: *Is there any restored work that is most memorable to you?*
Aimless Bullet (Obaltan) by Director Yoo Hyeon-Mok immediately comes to mind. We were fortunate to acquire a film print that had been submitted to the 7th San Francisco International Film Festival. This was the only copy of the film that we managed to secure. The challenge we faced was that we had only one print, meaning we couldn't replace damaged frames with intact ones from a second copy, which is usually the case when we have more than one film print of a particular work.



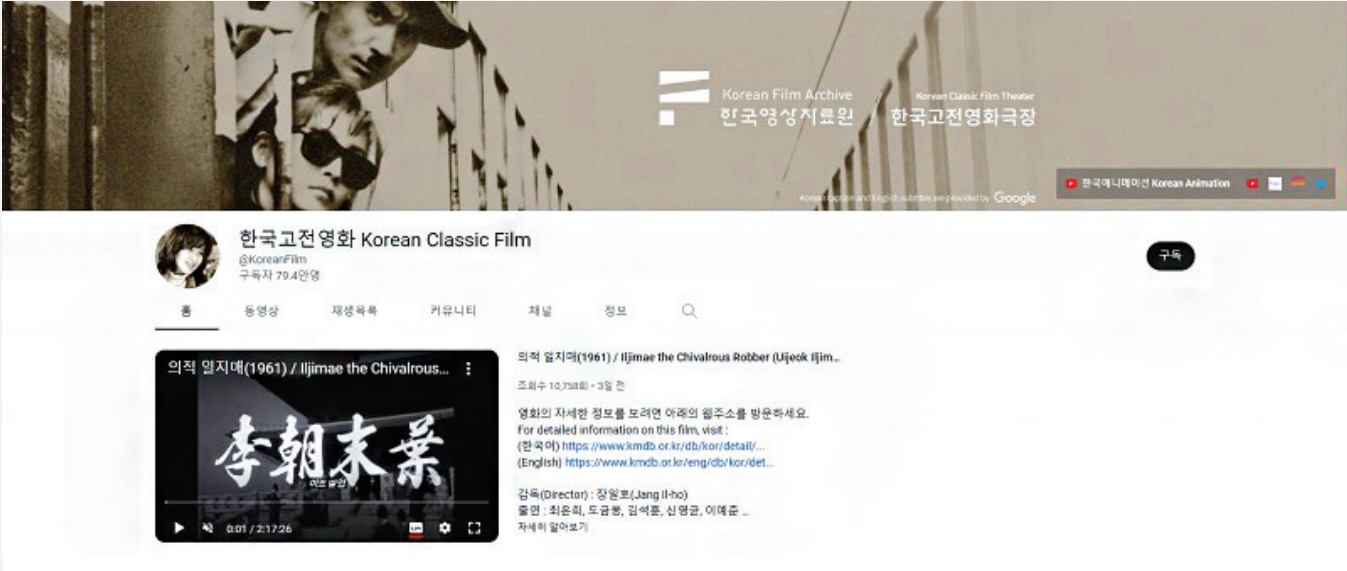
The film was in very poor condition, and to complicate things further, English subtitles had been burnt into the lower part of the frame since it had been shown at an international festival. Our restoration experts not only restored the damaged sections but also removed the burnt-in subtitles. After completing the restoration, we digitized the film in high resolution, and it is now being successfully streamed on various platforms. This project was the most costly and labor-intensive one we've undertaken, which is why it holds a special place in the hearts of our staff.

Q: *How do you collect and preserve works and film-related materials?*
We acquire works and film-related materials through various channels, including both purchases and donations. When purchasing works, we rely on a network of professional collectors that we have built over many years. Unfortunately, as a public organization, we face budget constraints, which means we cannot purchase as many works as we would like, and our acquisitions often fall short of our initial plans.

We also have a wide range of donation sources. These include domestic film companies, production studios, distributors, and veteran filmmakers. In addition, we occasionally receive copies of Korea-related films or materials from overseas film archives, in accordance with the International Federation of Film Archives (FIAF) Manifesto. Many well-intentioned individuals also donate materials they own, often without hesitation.

Given the sheer volume of purchased and donated materials, our experts classify and catalog them during the collection process. This cataloging, which involves creating a detailed database, is an essential step before the materials are stored in our preservation vaults.

Q: *What kind of difficulties do you encounter when preserving films?*
The real preservation work begins after acquired films are placed into storage. A film print, being a physical medium sensitive to temperature and humidity, requires careful management of both factors for proper preservation. This inevitably leads to high electricity costs. Another challenge is the preservation of digital cinema. With an immense amount of data stored—amounting to petabytes—simply copying this data requires significant resources.



Q: *Has any Korean classic film recently garnered attention worldwide?*
In 2023, we held a retrospective exhibition of 1960s Korean films in New York, showcasing around 24 films. The event was a huge success, with almost every session's tickets selling out.

We believe the growing interest is linked to the rise of Korean culture globally, alongside the increasing recognition of Korean cinema for its creativity and artistic quality. Many audiences are now eager to trace the roots of Korean cinema, and as a result, we've been receiving more and more requests from international film festivals to screen classic Korean films. In response to this demand, we are working hard to accommodate it.

Q: *Is there any film-related policy adopted overseas that you hope to introduce to Korea?*
I wish we had a larger and more impressive film museum. While our institution does have a museum on the first floor, the space is quite small—about 660 m²—and this limits the scope of the exhibitions. Additionally, its location on the outskirts of Seoul makes it less accessible.

In contrast, many film museums in developed countries such as the U.S., the Netherlands, Italy, and France are centrally located in bustling downtown areas with high foot traffic. This allows people to easily drop by and explore the country's film history while enjoying the films. I hope that one day we can have such a fantastic museum in a central location.

Q: *If you have any message for our readers, please share with us.*
As I've mentioned several times, our YouTube channels offer a wealth of content, including Korean classic films, animations, and fascinating videos about film collection and restoration.

While we highly recommend visiting our institution to explore the museum and watch films in person, we understand that this may be difficult for some foreign visitors. In that case, we invite you to enjoy our YouTube content instead. We will continue to upload high-quality videos for your enjoyment.

For those interested in exploring the beauty of Korean classic films or learn more about the work of film restoration and preservation, visit the following links:

- Korean Classic Film
youtube.com/c/KoreanFilm
- KOFA Youtube
youtube.com/user/koreanfilmarchive/featured
- Korean Animation
youtube.com/channel/UCZvFupvVnFyBv66D5wV9-mQ

K-Movie-Related Businesses: Ways to Enjoy Movies Beyond Just Watching Them



Movies like *Old Boy* and *Parasite* have now advanced beyond Korea to the rest of the world. Today, films are no longer confined to theaters; they are streamed on various OTT platforms like Netflix and Disney Plus, making it easy to enjoy them from the comfort of our homes. However, Korean cinema is not just about watching films. There are various cultural events and activities related to these films. Let's explore some interesting and clever ways to enjoy K-movies.

Culture Day

- **Period:** Last Wednesday of every month

- **Cost:** 7,000 KRW per person (5:00 PM - 9:00 PM)

In 2024, the "Culture Day" program celebrates its 10th anniversary. It was established to lower the barriers to cultural access in national facilities and to promote cultural participation in everyday life. In January 2014, the Ministry of Culture, Sports, and Tourism, in collaboration with the Presidential Committee for Cultural Enrichment, designated the last Wednesday of every month as Culture Day. According to Article 12 of the Framework Act on Culture, "The Minister of Culture, Sports, and Tourism may designate and operate cultural days to encourage citizens to participate in cultural activities in daily life." This initiative was born based on that legal provision.

Framework Act on Culture

Article 12 (Cultural Events)

(1) The month of October each year shall be designated as the Cultural Month to enhance cultural awareness and understanding and attract proactive participation in cultural activities; and the third Saturday of October each year shall be designated as a Cultural Day.

(2) The Minister of Culture, Sports and Tourism may designate and operate cultural days additionally for citizens to participate in cultural activities in daily life, in addition to events held under paragraph (1). <Amended on May 29, 2016>

(3) Matters concerning events in the Cultural Month and cultural days and concerning the designation and operation of cultural days, shall be prescribed by Presidential Decree. <Added on May 29, 2016>

[Title Amended on May 29, 2016]

Culture Day is not just for Koreans; it is also open to foreigners living in Korea, such as expatriates, as well as international tourists. If you'd like to watch a movie at a discounted price, simply visit major cinema chains like CGV, Megabox, or Lotte Cinema on the last Wednesday of the month. For more information on various benefits, you can visit the official Culture Day website (<https://www.culture.go.kr/wday/index.do>), where you'll also find offers for other cultural events, such as performances and concerts.



Film Festivals

(1) Jecheon International Music & Film Festival (JIMFF)

- **Period:** Every August (in 2024, it will be in September; dates are subject to change)

Since 2005, the Jecheon International Music & Film Festival, the only music film festival in Korea, has been held annually in Jecheon, Chungcheongbuk-do. Most films in the official competition are centered around music. The festival is divided into two sections: the Official International Competition, which showcases various genres of feature films centered on music, and the Official Korean Competition, which includes both short and feature films. The non-competition section showcases both global and Korean music-themed films, offering audiences a glimpse into universal human experiences and diverse cultures through music. You can also enjoy live performances by various artists during the evening One Summer Night program.

(2) Bucheon International Fantastic Film Festival (BIFAN)

- **Period:** Every July

Launched in 1997, the Bucheon International Fantastic Film Festival (BIFAN) is an international genre film festival held in Bucheon, Gyeonggi Province. Alongside the Busan International Film Festival and the Jeonju International Film Festival, BIFAN is considered one of Korea's three major film festivals. It features a wide range of genres, from horror and thrillers to science fiction, comedy, romance, and action. The 28th edition of the festival, held in 2024, introduced its very first international competition section for AI films, "Bucheon Choice: AI Films," while also hosting the AI International Conference to explore the latest trends and developments in AI video production. If you're interested in diverse genres and events, BIFAN comes highly recommended.

(3) Busan International Film Festival (BIFF)

- **Period:** Every October (in 2025, it is expected to be held in September; dates are subject to change)

Established in 1996, the Busan International Film Festival will celebrate its 30th anniversary in 2025 and has grown to become Korea's largest non-competitive film festival. It is now recognized as one of Asia's premier international film festivals. Known for its diverse selection of films, the festival features a broad range of genres, from Hollywood productions to animations, independent films, and art house cinema. If you're looking to experience a wide variety of films and attend Korea's largest film festival, this is an event you won't want to miss.

(4) Seoul Independent Film Festival

- **Period:** Every December

Since its inception in 1975, the Seoul Independent Film Festival has been Korea's only competitive festival dedicated to independent films. It not

only showcases domestic indie films but also highlights global independent films that are gaining attention. Through both short and feature-length film competitions, the festival discovers emerging filmmakers and pushes the boundaries of mainstream cinema. If you're interested in exploring unique and diverse films, this festival is an excellent choice.

(5) Seoul International Women’s Film Festival

● **Period: Every August or September**

The Seoul International Women’s Film Festival (SIWFF), Korea’s first international women’s film festival, has become a cornerstone for female filmmakers and emerging directors, with a focus on human rights, gender equality and diversity. The film festival exclusively screens films directed by female directors and features several special programs, including Asian Shorts, which discovers and introduces short films by female directors from Asia. Additionally, the Queer Rainbow and I-Teens sections offer a platform for exploring social customs and human rights issues. The festival also provides opportunities for teenage directors to present their works and fosters solidarity among underrepresented female filmmakers. If you're looking for a truly distinctive film festival experience, this is highly recommended.



Special Films: What Are Barrier-Free Movies?

(1) Definition and Related Laws

Barrier-free movies are films that include audio descriptions of visuals and subtitle descriptions for speakers, dialogues, music, and sound effects,



making them accessible for both people with and without disabilities. According to Article 10-2 of the Act on the Guarantee of Convenience Promotion of Persons with Disabilities, Senior Citizens, Pregnant Women, and Nursing Mothers, institutions managing public facilities are required to provide guidance and supervision to ensure accessibility. This law emphasizes that barrier-free films play a crucial role in ensuring that people with disabilities can participate in social activities and enhance their welfare.

Additionally, the Act on the Prohibition of Discrimination Against Persons with Disabilities and Remedy Against Infringement of their Rights considers the screening of barrier-free films as a legitimate means of providing reasonable accommodations for people with disabilities. As a result, individuals with visual and auditory impairments have filed lawsuits against major cinema chains, such as CGV, Lotte Cinema, and Megabox, to demand equal access to films. Thus, barrier-free films are closely connected to legal frameworks that protect the rights of people with disabilities.

(2) How to Experience Barrier-Free Movies to the Fullest

The leading organization at the forefront of producing, screening, and distributing barrier-free films is the Korean Barrier-Free Films Committee, a social enterprise established in 2012. Barrier-free movie screenings are held regularly, including monthly special screenings, screenings for Disabled Day, and outdoor screenings, many of which are free (on a first-come, first-served basis). If you are unable to attend these screenings, you can apply for a "community screening," which allows groups to watch films outside of theaters at times and locations of their choosing. Both offline and online screenings are available. For more information, visit the KOB AFF website (<https://barrierfreefilms.or.kr/main>). Barrier-free films are designed to be enjoyed by everyone—not just people with disabilities, but also children, the elderly, and non-Korean speakers. If you are particularly interested in barrier-free films, you can attend the Seoul Barrier-Free Film Festival, which takes place every November. This festival introduces new barrier-free films and offers a variety of events, including cine-talks, forums, and audience participation activities.

Ministry of Justice hosted the 13th Asia-Pacific ADR Conference

From October 29 to 30, the Ministry of Justice (MOJ) hosted an international conference on the latest trends and developmental directions of Alternative Dispute Resolution (ADR)* in collaboration with the United Nations Commission on International Trade Law (UNCITRAL), the International Chamber of Commerce (ICC), and Korean Commercial Arbitration Board (KCAB).

During the 13th Asia-Pacific ADR Conference, held on October 30, discussions focused on the development of user-friendly Asian ADR models and the future directions of ADR by industry and sector.

The conference was attended by approximately 200 international arbitration experts, as well as government and international organization officials, including Anna Joubin-Bret, Secretary of UNCITRAL, and Helen Shi, Vice President of ICC.

In his opening remarks, Minister Park Sung Jae expressed his hope to “shape a brighter future for ADR in Asia” by “proposing user-friendly Asian ADR models” and “clearly demonstrating how these models can be

applied across various fields,” quoting Peter Drucker, the founder of modern management: “The best way to predict the future is to create it.”

Meanwhile, the Special Session by MOJ and UNCITRAL, held on October 29, brought together governmental officials from eight developing countries in Central Asia to discuss the adoption and implementation status of ADR-related international standards and their future directions.

The session notably focused on the Singapore Mediation Convention and the UNCITRAL Model Clauses on Specialized Express Dispute Resolution (SPEDR), exploring ways to enhance the ADR industry in the Asia-Pacific region.

The Ministry of Justice will continue to provide financial support and carry out institutional reform to foster the growth of the Asian ADR industry. In addition, MOJ will strive to establish Korea as a leading center for international dispute resolution.

*Alternative Dispute Resolution(ADR): Mediation, arbitration, and other neutral processes for resolving disputes outside of trial

Opening Remarks by Minister of Justice

I

Distinguished Guests,
I am Sung Jae Park, Minister of Justice of the Republic of Korea.

I would like to extend my heartfelt welcome to all the esteemed guests who have taken time out from your busy schedule to attend the 13th Asia-Pacific ADR Conference.

I would like to begin by thanking UNCITRAL, KCAB and ICC for your contributions to hosting this year's conference successfully. I would also like to express my sincere gratitude to the distinguished experts for serving as speakers and panelists despite your busy schedules.

II

The Asia-Pacific region's ever growing presence in the global economy is undeniable. This is clearly shown by the fact that Asian companies now account for as much as 46% of the Fortune Global 500 companies.

However, the disparity between the Asia's economic prominence and its role in the ADR field is a stark reminder of reality, further substantiated by the fact that most of the prestigious ADR institutions are located in countries with common law systems.

Asian users exhibit commonalities that shape their unique needs in utilizing ADR. For instance, most Asian countries have civil law systems and share the culture of prioritizing harmony over confrontation.

In this context, promoting the ADR industry in Asia requires not only an awareness of the global ADR trends but also a thorough understanding of the specific needs of corporations in Asia.

In this regard, I find the theme of this year's conference, “ADR Reborn: Dynamics of Renewed Asian ADR Landscape” very timely and pertinent, as it will thoroughly explore the future directions for ADR mechanisms in Asia.

In order for ADR in Asia to be “reborn” into a system that is befitting of the region's leading economic status, I sincerely hope that we can combine our efforts to develop creative and flexible ADR models that will meet the diverse needs of Asian users.

III

The Ministry of Justice of the Republic of Korea has been joining forces in various initiatives to advance the ADR industry in Asia.

For example, pursuant to the Arbitration Industry Promotion Act, the Ministry of Justice has been committed to providing financial support and reforming relevant systems to transform the Republic of Korea into a hub for international dispute resolution.

In addition, with the aim of promoting ADR both domestically and internationally, and integrating the ISDS prevention and response systems, the Ministry established the International Legal Affairs Department in August 2023, significantly enhancing our capabilities in international legal affairs.

The Ministry is also working on enacting the implementation legislation for the Singapore Mediation Convention, granting enforceability to international settlement agreements resulting from mediation.

Last but not least, the Ministry has provided full support, both financial and personnel, for the project to reform mediation laws and regulations in Cambodia.

IV

Peter Drucker, known as the “father of modern management”, famously said, “The best way to predict the future is to create it.” His timeless quote highlights the challenges of predicting the future of ADR and the potential role of the Asia-Pacific region within it.

Given the uncertainties in the future, I believe we should take the initiative to propose user-friendly Asian ADR models during this Conference. By clearly demonstrating how these models can be applied in specific fields, we can help shape a brighter future for ADR in Asia.

The Ministry of Justice of the Republic of Korea will strive to ensure that both the Asia-Pacific region and the Republic of Korea become a central hub for ADR.

Once again,
I cordially welcome all the esteemed attendees and wish you the best of health and happiness.

Thank you for your attention.

2024. 10. 30.
Park Sung Jae
Minister of Justice



New Immigration Policy for the Upcoming Era of 3 Million Foreign Residents



On September 26, the Ministry of Justice announced a “New Immigration Policy” aimed at enhancing the competitiveness of local communities and industries by proactively attracting talented

individuals, while safeguarding job opportunities for Korean citizens and preventing social conflicts through selective immigration and efforts to promote social integration.

Guided by the vision of creating a new immigration policy paradigm that fosters economic development and the growth of local communities while benefiting both citizens and immigrants, four key policy priorities have been identified:

[1] Diversifying Talent Acquisition: “Top-Tier Visa” and “Youth’s Dream in Korea Visa” will be introduced while supporting international students with job search after graduation and wider employment opportunities. Additionally, spouses of skilled workers will be allowed to take on non-professional jobs, which will expand pathways for talent acquisition.

[2] Operating Visa Governance Meeting Diverse Needs: A “Visa Proposal System” and “Local Government Visa” will be introduced, along with an expansion of eligibility for the “Regional Specialized Visa Program.” These initiatives will be supported by seasonal worker programs, ensuring visa governance that meets the needs of local governments and the private sector.

[3] Promoting Social Integration: The Ministry will support the independence of foreign youth and assist with the integration policies of local governments. A focus will also be placed on strengthening social integration education before and after entry to ensure smoother transitions for immigrants.

[4] Scientific Workforce Management: A more systematic approach will be employed in introducing foreign workers. This will include determining the scale of foreign workforce introduction through scientific analysis and improving the management and introduction systems for foreign workers.

The new policy initiative is expected to secure an additional 100,000 skilled professionals within five years, strengthening the competitiveness of key national industries. With the expansion of local community-based visas, such as the Seasonal Worker Program and the Regional Specialized Visa Program, local populations are expected to grow, invigorating local economies.

By strengthening social integration at each stage of entry, the Ministry aims to minimize potential conflicts, ensuring the sustainability of immigration policies. Moreover, the selective introduction and systematic management of foreign workers will guarantee the protection of employment opportunities for Korean citizens.



The Ministry of Justice of the Republic of Korea backs prospective lawyers as they take to the world stage

In order to provide outstanding prospective lawyers attending law school with the opportunity to experience international affairs and cultivate their dream to take to the world stage, the Ministry of Justice of the Republic of Korea launched the inaugural <Global Fellowship Program for Prospective Lawyers> at Hong Kong, the prime city for international finance and international arbitration, from 7. 29. (Mon) to 8. 9. (Fri).

Organized in tandem with the Law Society of Hong Kong, 14 highly competitive candidates from 10 law schools toured Hong Kong’s courts and arbitration tribunals before training for two weeks at 10 local law firms.

Training Organizations	Number	Responsibilities
Clyde & Co, Li & Partners, K&L Gates Grandall Zimmern etc. (6 Law Firms)	1~3 Fellows per Law Firm	Practicing Corporate Law, International Finance, International Arbitration

Meanwhile, the <Global Fellowship Program for Junior Lawyers> (within 10 years of passing the bar exam) has begun this September with a three-month traineeship. Subsequently, the selection process for internship at 20 organizations will commence early next year.

Furthermore, the Ministry of Justice of the Republic of Korea and the Department of Justice of Hong Kong proceeded to ① establish a system for junior lawyers to enter the international arena and ② provide legal aid to businesses entering foreign markets to resolve legal complications on 2024. 7. 30. (Tues).

Both organizations promised to establish a working-level “hotline” for ongoing cooperation and promote training courses and joint workshops for junior lawyers from Korea and Hong Kong to interact in fields such as international finance and arbitration.

In particular, measures to encourage Hong Kong’s leading global law firms to participate in the Korean Ministry of Justice’s second <Global Fellowship Program for Junior Lawyers> and to jointly organize regular



workshops in Korea and Hong Kong on laws and regulations that businesses and lawyers face difficulties with were discussed.

Thereafter, the International Legal Advisory Division co-hosted the “Legal Advisory Seminar,” for 130 local Korean businessmen and lawyers to better understand the Hong Kong market, a front-line outpost of the Asian financial market and Korea’s third-largest destination for outgoing investment.

With ‘Hong Kong Legal System and Dispute Resolution’ as the focal point, the Department of Justice of Hong Kong, local legal experts, and Korean In-House Counsel Association discussed Hong Kong’s legal system, strategies for utilizing its infrastructure, and considerations on entering the market.

Government Departments

Anti-Corruption & Civil Rights Commission

<http://www.acrc.go.kr/eng/index.do>
82-44-200-7151~6

Constitutional Court of Korea

<http://english.ccourt.go.kr/>
82-2-708-3460

Fair Trade Commission

<http://eng.ftc.go.kr>
82-44-200-4326

Financial Services Commission

<http://www.fsc.go.kr/eng/index.jsp>
82-2-2156-8000

National Assembly Law Library

<http://law.nanet.go.kr/eng/index.do>
82-2-788-4111

Judicial Research & Training Institute

<http://jrti.scourt.go.kr/>
82-31-920-3114

Korea Communications Commission

<http://eng.kcc.go.kr/user/ehpMain.do>
82-2-500-9000

Korea Consumer Agency

<http://english.kca.go.kr/index.do>
82-43-880-5500

Korea Customs Service

<http://english.customs.go.kr/>
82-1577-8577

Ministry of Food and Drug Safety

<http://www.mfds.go.kr/eng/index.do>
82-43-719-1564/ 82-1577-1255

Korean Intellectual Property Office

<http://www.kipo.go.kr/kpo/user.tdf?a=user.english.main.BoardApp&c=1001>
82-42-481-5008

Korea Law Service Center

<http://law.go.kr/LSW/main.html>
82-2-2100-2520
(Ministry of Government Legislation)/
82-2-2100-2600
(Legislative Research Services)

Korea Meteorological Administration

<http://web.kma.go.kr/eng/index.jsp>
82-2-2181-0900

Korean Bar Association

<http://www.koreanbar.or.kr/eng/>
82-2-3476-4008

Korean Library Information System Network

<http://www.nl.go.kr/kolisnet/index.php>
82-2-590-0626

Korean National Police Agency

<http://www.police.go.kr/eng/index.jsp>
82-182

Ministry of Agriculture, Food and Rural Affairs

<http://english.mifaff.go.kr/main.jsp>
110 (from Korea) / 82-2-6196-9110 (from overseas)

Ministry of Culture, Sports and Tourism

<http://www.mcst.go.kr/english/index.jsp>
82-44-203-2000

Ministry of Education

<http://english.moe.go.kr/enMain.do>
82-2-6222-6060

Ministry of Employment and Labor

<http://www.moel.go.kr/english/main.jsp>
82-52-702-5089 (National Labor Consultation Center)
82-44-202-7137 (International Cooperation Bureau)
82-44-202-7156 (Foreign Workforce Division)

Ministry of Environment

<http://eng.me.go.kr/>
82-44-201-6568 / 82-1577-8866

Ministry of Foreign Affairs

<http://www.mofa.go.kr/eng/index.do>
82-2-2100-2114

Ministry of Gender Equality and Family

<http://www.mogef.go.kr/eng/index.do>
82-2-2100-6000

Ministry of Government Legislation

<http://www.moleg.go.kr/english>
82-44-200-6900

Ministry of Health and Welfare

<http://www.mohw.go.kr/eng/index.jsp>
82-44-202-2001~3

Ministry of Justice

http://www.moj.go.kr/moj_eng/index.do
82-2-2110-3000

Ministry of Land, Infrastructure and Transport

<http://www.molit.go.kr/english/intro.do>
(Day) 82-44-1599-0001, (Night) 82-44-201-4672

Ministry of National Defense

<http://www.mnd.go.kr/mbshome/mbs/mndEN/>
82-2-748-1111

Ministry of the Interior and Safety

<https://www.mois.go.kr/eng/a01/engMain.do>
82-2-2100-3399

Ministry of Economy and Finance

<http://english.moef.go.kr/>
82-44-215-2114

Ministry of Trade, Industry and Energy

<http://www.motie.go.kr/language/eng/index.jsp>
82-2-1577-0900 / 82-44-203-4000

Ministry of Unification

https://www.unikorea.go.kr/eng_unikorea/
82-2-2100-5722

National Assembly Library

<http://www.nanet.go.kr/english/>
82-2-788-4211

National Intelligence Service

<https://eng.nis.go.kr/>
82-111

National Research Foundation of Korea

<https://www.nrf.re.kr/eng/index>
82-2-3460-5500 / 82-42-869-6114

National Tax Service

<http://www.nts.go.kr/eng/>
82-2-397-1200 / 82-1588-0560

Network of Committed Social Workers

<http://www.welfare.or.kr/>
82-2-822-2643

Public Procurement Service

<http://www.pps.go.kr/eng/index.do>
82-70-4056-7524

Ministry of SMEs and Startups

<https://www.mss.go.kr/site/eng/main.do>
82-1357

Statistics Korea

<http://kostat.go.kr/portal/english/index.action>
82-2-2012-9114

Supreme Court Library of Korea

<https://library.scourt.go.kr/base/eng/main.jsp>
82-31-920-3612~3

Supreme Prosecutors' Office

<http://www.spo.go.kr/eng/index.jsp>
82-2-3480-2337

The Board of Audit and Inspection of Korea

<http://english.bai.go.kr>
82-2-2011-2114

The Supreme Court of Korea

<http://eng.scourt.go.kr/eng/main/Main.work>
82-2-3480-1100

The National Assembly of the Republic of Korea

<http://korea.assembly.go.kr/index.jsp>
82-2-788-3656

National Library of Korea

<http://www.nl.go.kr/english/>
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The Rule of Law for Fairness and Compassion

Emblem

The Republic of Korea government has changed its official “government identity.” The new logo conveys the dynamism and enthusiasm of the country with the three colors of blue, red and white. It echoes off Korea’s national flag *Taegeukgi* with the *taegeuk* circular swirl and the blank canvas embodies in white. The typeface

was inspired by the font used in the “*Hunminjeongeum*” (1446), the original *Hangeul* text, in consideration of the harmony embodied in the *taegeuk* circle. Starting March 2016, the new logo is used at all 22 ministries including the Ministry of Justice and 51 central government agencies.



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