
LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ON THE PROTECTION OF COMPUTER SOFTWARE

Adopted by Decree No. 3831 of the Presidium of the Supreme People's Assembly on June 11, 2003

Chapter 1 Fundamentals

Article 1 (Objective)

This Law is enacted for the purpose of providing strict guidelines for the registration and use of software, thereby contributing to the protection of the right of copyright holders and the development of software technology.

Article 2 (Principle of registration)

Registration of software is the first process in the protection of software.

The State shall ensure that the objects to be protected are determined properly and scientific accuracy, impartiality and timeliness are ensured in the registration thereof.

Article 3 (Encouragement of development, protection of copyright)

The State shall ensure that the development of software is encouraged and the moral and economic rights of software copyright holders are protected.

Article 4 (Protection of foreigner's copyright)

The copyright of software that has been developed by a foreign corporate body or an individual and registered for the first time in the DPRK shall be protected by this Law.

Article 5 (State concern, increase of investment)

The State shall direct a close attention to the work of software protection and increase its investment in the sector of software protection.

Article 6 (Validity of relevant treaties)

The treaties concluded by the DPRK with foreign countries for software protection shall have the same effect as this Law.

Article 7 (Exchange and cooperation)

The State shall promote exchange and cooperation with international organizations and foreign countries in the field of software protection.

Chapter 2 Registration of Computer Software

Article 8 (Registration organ)

Proper registration of the software is an important requirement of software protection. Software shall be registered with the software registration organ.

Article 9 (Application, contents thereof)

The institutions, enterprises, organizations and citizens that wish to have their software protected shall submit to the software registration organ a written application for registration.

The application shall contain the title of the software, the name, nationality and address of the applicant and date of application, which shall be accompanied by the medium containing the software, its abstract, specifications and the like.

Article 10 (Term of examination)

The software registration organ shall examine the application and decide on either approval or rejection within 3 months of receipt thereof. In this case the software shall be debugged.

Article 11 (Method of examination)

Examination of software to be registered shall be done in such a way as identifying the software developer and confirming whether there is anything identical with or similar to the software already registered.

Examination of an adapted software shall be conducted by making inquiry into whether the right of the original author has not been infringed upon.

Article 12 (Request for necessary information, provision thereof)

The software registration organ may require the institutions, enterprises, organizations and citizens to provide information needed for the examination.

Institution, enterprises, organizations and citizens shall provide in time the data required by the software registration organ.

Article 13 (Issuance of certificate)

The software registration organ shall issue a copyright certificate in case it approves of the registration.

In case of rejection, a notice specifying the reason thereof shall be sent to the applicant.

Article 14 (Announcement of registration)

A registered software shall be made public through the official journal.

A registered software may not be made public upon request by the State or the copyright holder.

Article 15 (Complaints, settlement thereof)

Institution, enterprises, organizations and citizens may, if any, lodge complaints about the registration of software with the software registration organ within 6 months of the announcement of registration.

The software registration organ shall settle the complaints within 2 months of receipt.

Article 16 (Storage)

The software registration organ shall store in a designated storage the written application for the registration and the medium containing the software.

The storage shall be equipped with the facilities for preventing the damage and destruction of software.

Article 17 (Use of foreign software)

Institutions, enterprises, organizations and citizens shall register with the software registration organ the software brought in from abroad.

Software from a foreign country shall not be used unless it is registered.

Article 18 (Access to software register)

Institutions, enterprises, organizations and citizens may have access to the software register at the software registration organ. In this case they shall pay prescribed fees.

Chapter 3 Copyright of Computer Software

Article 19 (Copyright holder)

The institutions, enterprises, organizations and citizens that have developed software shall be entitled to be software copyright holder.

The institutions, enterprises, organizations and citizens that have been transferred software copyright may also be copyright holders.

Article 20 (Moral rights)

The moral rights of software copyright holder shall include:

1. The right to make public software;
2. The right to identify the name of the developer in the software; and
3. The right to forbid any alteration of the name of the developer or the title and contents of the software.

Article 21 (Limit of moral rights)

The moral right of software copyright holder shall be held by the software developer.

The moral right of a copyright holder shall not be transferred.

Article 22 (Economic rights)

The economic rights of software copyright holder shall include:

1. The right to copy, exhibit and distribute the software;
2. The right to adapt the software;
3. The right to authorize the use of the software and to receive prescribed royalty;
4. The right to transfer a part or the whole of the software economic rights; and
5. The right to claim indemnity for the damage caused by infringement upon the software copyright.

Article 23 (Registration of transfer)

The economic rights of software transferred under a contract shall be registered with the software registration organ.

The registration shall be made within 7 days of transfer.

Article 24 (Ownership of copyright)

The copyright of software developed in the name of an institution, enterprise or organization shall be held by the institution, enterprise or organization concerned.

The copyright of software developed in the name of an individual shall be held by the individual concerned.

The copyright of software developed by a group of people shall be held jointly. In this case the right shall be exercised subject to the agreement of the developers.

Article 25 (Copyright of software developed on commission)

The copyright of software developed on commission shall be owned according to the contract concluded among the parties.

The written contract shall clarify matters concerning the ownership and the exercise of the copyright.

Article 26 (Ownership of copyright by minor)

Software copyright may be held by a minor.

The copyright of a minor shall be exercised through his parents or guardian.

Article 27 (Holding of copyright by State)

Where a software copyright holder has no heir or dies without leaving a will with respect to bequeathal of his copyright or there is no institution, enterprise or organization to take over the copyright, the economic rights of the software in question shall be held by the State.

Chapter 4 Protection of Computer Software Copyright

Article 28 (General requirements)

Protection of software copyrights shall be obligatory upon institutions, enterprises, organizations and citizens.

Institutions, enterprises, organizations and citizens shall not commit any act of infringing upon software copyrights of others.

Article 29 (Term of protection)

The term of protection of the moral rights of software copyright holder shall be indefinite and that of the economic rights shall be 30 years.

Where necessary, the term of protection of the economic rights may be extended by up to 20 years.

Article 30 (Calculation of term of protection)

The term of protection of the economic rights of software copyright holder shall be until December 31 of the 30th year from the date of its registration.

The term of protection of the economic rights of a transferred software copyright shall be the remaining period from the date of its registration.

Article 31 (Scope of use)

Institutions, enterprises, organizations and citizens may use registered software subject to the authorization of the copyright holder.

The software shall be used within the range of authorization.

Article 32 (Fees)

The institutions, enterprises, organizations and citizens that use software shall pay prescribed fees.

Fees shall be set by the price fixing institution.

Article 33 (Use of literary and artistic works)

Institutions, enterprises, organizations and citizens may use the copyrighted literary and artistic works for the purpose of developing or adapting software. In this case authorization of the copyright holder shall be obtained.

Article 34 (Prohibited acts)

No one shall commit the following acts without the authorization of the copyright holder:

1. Using, copying, exhibiting, circulating, adapting, translating, selling or telecasting software;
2. Altering the name of software developer or software;
3. Exporting or importing software; or
4. Destroying or removing protection devices of software technology or offering such technology.

Article 35 (Use of software without authorization)

Software may be copied and used without the authorization of the copyright holder in the following cases:

1. Software is used for educational purposes at educational institutions;
2. Software is used by a law enforcement organ for the investigation of a case; or
3. Software has been distributed free of charge.

Chapter 5 Guidance and Control of Computer Software Protection

Article 36 (Requirements)

To strengthen the guidance and control of the work of the software protection is the basic guarantee for the correct implementation of the State policy on the software protection.

The State shall ensure that guidance and control of the work of software protection is strengthened.

Article 37 (Guidance organ)

Guidance of software protection shall be undertaken by the central guidance organ of software industry.

The central guidance organ of software industry shall establish a proper system of software protection and provide regular guidance and control of the work of registering, storing and protecting the software.

Article 38 (Agencies)

The central guidance organ of software industry may set up its agencies in the necessary fields for the registration and protection of the software.

The agency shall be staffed with qualified personnel.

Article 39 (Supervision and control)

Supervision and control of software protection shall be undertaken by central guidance organ of software industry and the relevant supervisory and control organ.

The central guidance organ of software industry and the relevant supervisory and control organ shall strictly supervise and control such acts as infringing upon copyrights, producing, copying and circulating software contrary to the manners and customs of our nation and computer virus and destruction of or illegal access to software through computer networks.

Article 40 (Compensation, confiscation)

In case of any infringement upon software copyright, the damage shall be compensated and the illegal proceeds and the software used confiscated.

Article 41 (Administrative or penal liability)

Officials of the institutions, enterprises and organizations, and individual citizens who are responsible for the serious consequences caused through their violation of this Law shall, depending on gravity of the offence, be liable to administrative or penal liability.

Article 42 (Settlement of disputes)

Any dispute arising in relation to software protection shall be settled by consultation.

In case of failure in consultation, the dispute shall be referred to arbitration body or a court for settlement.