SHIN & KIM

Copyrights and Entertainment

As the content industry, encompassing broadcasting, music, audiovisual works, games, performances, publishing, software, databases, and visual arts, continues to grow rapidly and the global distribution of content through digital platforms expands, the legal inter-relationships surrounding the creation, investment, distribution, and use of content have become increasingly complex, and the need for the protection of rights in creative works has also increased. In particular, new legal issues continue to emerge in connection with the reproduction, transmission, performance, retransmission, and secondary use of copyrighted works, as well as the protection of software and databases. Against this backdrop, it has become increasingly important to clearly define the rights and obligations of the various stakeholders involved in the creation and distribution of content, and to develop contractual arrangements and rights protection strategies tailored to their business structures.

Shin & Kim's Intellectual Property Practice Group advises and represents clients in connection with key copyright and content industry matters, including copyright infringement and plagiarism disputes, copyright royalties, distribution and retransmission of broadcasting content, software and database rights, platform liability, and royalty collection rules of copyright collective management organizations. In complex matters involving multiple stakeholders—including broadcasters, platform operators, content producers, music rights holders, game developers, software companies, and cultural and arts institutions—the IP Group provides practical solutions through a comprehensive analysis of industry structures and the legal relationships among the parties.

Shin & Kim provides comprehensive legal services throughout the content business lifecycle, from dispute resolution—including litigation and preliminary injunction proceedings—to the planning, production, investment, distribution, and licensing of content. Our services cover all aspects of the content business, including cross-border rights clearance, content-related M&A, entertainment contracts, and the development of policies and standard form agreements in the culture and arts sectors.

Shin & Kim's Intellectual Property Practice Group combines a deep understanding of clients' business strategies and industry-specific practices and provides strategic and practical solutions at every stage, from rights acquisition and contract structuring to dispute prevention, infringement response, rights enforcement, and regulatory compliance.

Key Services

Shin & Kim provides services in the following areas in relation to copyrights and entertainment:

- Preliminary injunction proceedings, and litigation seeking injunctive relief and damages for copyright infringement
- Disputes relating to the transmission and retransmission of broadcasting content, injunctions against broadcasting or transmission, and the use of digital platforms
- Plagiarism disputes involving musical works, audiovisual works, television dramas, films, musicals, and other copyrighted works
- Disputes relating to copyright royalties, performance royalties, transmission royalties, and the royalty collection rules of copyright collective management organizations
- Disputes involving infringement of game, software, source code, and database rights
- Copyright infringement matters relating to linking, web crawling, online platforms, and digital distribution
- Advice on entertainment contracts, including advertising model agreements, brand ambassador agreements, talent agreements, and performance agreements
- Advice on K-pop publishing, agreements with overseas composers, and global content rights issues
- Advice on content-related M&A, acquisition of content rights, licensing agreements, and content business structures
- Advice on standard form agreements and policies relating to visual arts, exhibitions, curatorial matters, and the culture and arts sector
- Disputes involving Korean Wave (*Hallyu*) content, including television dramas and films, and in connection with overseas licensing agreements
- Copyright due diligence and valuation in connection with content-related M&A transactions, including the transfer and acquisition of rights in films, television dramas, music, and other content

Experience

Music/Entertainment/Games

- Litigation between a multiplex cinema operator and a music copyright collective management organization concerning performance royalties
- Copyright infringement litigation between a terrestrial broadcaster and a music copyright collective management organization
- Litigation between a telecommunications operator and a music copyright collective management organization concerning transmission royalties for ringback tone services
- Royalty litigation between terrestrial and general programming broadcasters and a music copyright collective management organization
- Copyright royalty litigation relating to in-store music services
- Copyright plagiarism litigation involving dramatic works, including Ivy's music video for *Sonata of Temptation*, MBC television drama *Queen Seondeok*, KBS television dramas *Love Rain* and *The King's Face*, musical *Ro Gi-soo*, films *Assassination* and *The Tiger*, and Korea-China co-produced entertainment program *Star Gangrim*
- Copyright plagiarism litigation involving musical works, including Roy Kim's *Bom Bom Bom* and the theme song for the film *Miss Granny*

- Broadcasting content disputes, including successful representation in a retransmission fee dispute between a terrestrial broadcaster and a cable television operator, preliminary injunction proceedings concerning transmission involving a terrestrial broadcaster and an OTT service provider, and retransmission injunction proceedings between a terrestrial broadcaster and a satellite broadcasting operator
- Administrative litigation and administrative appeals relating to the royalty collection rules of copyright collective management organizations, including disputes concerning OTT performance royalties, performance royalties for in-store music, the revocation of approvals of royalty collection rules, and the revocation of the designation of copyright collective management organizations
- Copyright infringement litigation before a California court involving a composer's musical works
- Entertainment-related contracts, including advertising model agreements, brand ambassador agreements, talent agreements, and performance agreements
- Unauthorized live streaming of performances by artists of a major entertainment agency
- Dispute concerning K-pop publishing agreements involving overseas composers
- Acquisition of a listed Korean media company by a listed Korean company, and in the acquisition of rights to the animated film *Robot Taekwon V*
- Negotiations, preliminary injunction proceedings, and litigation involving artists and entertainment agencies and exclusive management agreements for male and female K-pop idol groups
- Overseas exhibitions and curatorial matters for an art museum
- Research and development of 11 standard form agreements for the visual arts sector commissioned by the Ministry of Culture, Sports and Tourism
- Copyright infringement litigation concerning the similarity between screen golf content and golf course layouts and design drawings
- Dispute relating to the protection of copyrighted works involving MMORPG *The Legend of Mir*

Software/Database

- Litigation and advisory services concerning database rights infringement arising from the web crawling of university admissions information databases
- Civil and criminal proceedings concerning allegation of aiding and abetting of copyright infringement through hyperlinking by a terrestrial broadcaster
- Injunctive relief proceeding for copyright infringement involving the source code of a wireless intrusion prevention system
- Copyright infringement litigation relating to the text-to-speech (TTS) functionality of e-books

Key Contacts

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Awards and Rankings

- Tier 1 Law Firm in Intellectual Property
  Asia Pacific Legal500 2015-2018,2021-2022
- Tier 1 Law Firm in Copyrights/Trademarks
  Asia Legal Business (ALB), 2017, 2020-2021

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