

ACT ON THE PROMOTION OF CARTOONS

Act No. 11311, Feb. 17, 2012

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to invigorate the creation of cartoons, promote the development of the cartoon industry, and contribute to the improvement of citizens' cultural lifestyle and the development of the national economy by providing for matters necessary to promote the creation of cartoons and the cartoon industry.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "cartoon" means a work depicting real things or the world of imagination in one, or two or more compartmentalized frames with pictures or with pictures and text and drawn on paper or any other tangible medium or recorded on a disc or any other digital medium;
2. The term "Korean cartoon" means a cartoon created by a citizen of the Republic of Korea and produced by a cartoon entity (including a corporation) who has his/her principal place of business in the Republic of Korea or a cartoon recognized as a Korean cartoon pursuant to [Article 13](#);
3. The term "jointly-produced cartoon" means a cartoon recognized as jointly created or produced, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, among cartoons jointly created or produced by a cartoonist who is a citizen of the Republic of Korea or a cartoon entity who has his/her principal place of business in the Republic of Korea and a foreigner or cartoon entity who has his/her principal place of business outside of the Republic of Korea;
4. The term "printed cartoon" means a cartoon published in the form of printed media;
5. The term "digital cartoon" means a cartoon processed and compiled in the form of a digital file and provided to users by disc or any other digital medium or through an information communications network as defined in [Article 2 \(1\) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.](#);
6. The term "cartoon industry" means the industry relating to the creation, production, distribution, rental, sale, utilization, export, import, etc. of cartoons and cartoon products (referring to tangible and intangible goods, services, and combinations of both that create added economic value by using cartoons; the same shall apply hereinafter);
7. The term "cartoon entity" means a person engaged in any of the following business for profit:
 - (a) Cartoon publisher: A person engaged in business of publishing cartoons;
 - (b) Cartoon exporter or importer: A person engaged in business of exporting or importing cartoons;
 - (c) Cartoon distributor: A person engaged in business of distributing cartoons;
 - (d) Cartoon seller: A person engaged in business of selling cartoons;
 - (e) Digital cartoon producer: A person engaged in business of producing digital cartoons;
 - (f) Digital cartoon transmitter: A person engaged in business of transmitting digital cartoons.

Article 3 (Formulation of Master Plans)

- (1) In order to efficiently achieve the purpose of this Act, the Minister of Culture, Sports and Tourism shall formulate a master plan for nurturing and supporting the creation of cartoons and the cartoon industry (hereinafter referred to as "master plan").
- (2) A master plan shall include the following matters:
 1. Basic direction-setting for the promotion of Korean cartoons;
 2. Improvement of Acts, subordinate statutes, and systems relating to cartoons;
 3. A scheme for protecting intellectual property rights to cartoons;
 4. A scheme for invigorating the creation of cartoons;
 5. Training of professional human resources for cartoons and the cartoon industry;
 6. Creation of infrastructure for the cartoon industry;
 7. Development and diffusion of technology and standards for the cartoon industry and digital cartoons;
 8. International cooperation and entry into overseas markets;
 9. Schemes for securing and efficiently managing funds for cartoons and the cartoon industry;
 10. Other matters necessary to promote the creation of cartoons and the cartoon industry.

(3) Matters necessary for the procedure for formulating master plans shall be prescribed by Presidential Decree.

CHAPTER II CREATION OF CARTOONS AND PROMOTION OF CARTOON INDUSTRY

Article 4 (Invigoration of Creation of Cartoons and Cartoon Industry)

- (1) The Minister of Culture, Sports and Tourism shall explore measures to protect and nurture cartoons and the cartoon industry.
- (2) The Minister of Culture, Sports and Tourism may provide subsidies or loans to cartoonists, cartoon entities, and related organizations that contribute to the invigoration of creation of cartoons and the cartoon industry.
- (3) Matters necessary for the procedure for and methods of providing subsidies or loans under paragraph (2) shall be prescribed by Presidential Decree.

Article 5 (Training of Cartoonists and Professional Human Resources)

- (1) In order to train cartoonists and professional human resources for the cartoon industry, the Minister of Culture, Sports and Tourism shall formulate and implement a plan for the following matters:
 1. Analysis on supply of and demand for cartoonists and professional human resources for the cartoon industry and the development of human resources;
 2. Enhancement of cooperation among academic circles, industrial entities, and public institutions for training cartoonists and professional human resources for the cartoon industry.
- (2) In order to train cartoonists and professional human resources for the cartoon industry, the Minister of Culture, Sports and Tourism or the head of a local government may designate universities, research institutes, and other specialized institutions as institutions for training professional human resources, and may fully or partially subsidize them in relation to expenses incurred in education and training, as prescribed by Presidential Decree.

Article 6 (Facilitation of Development of Technology)

In order to facilitate the development of technology relating to digital cartoons and the cartoon industry, the Minister of Culture, Sports and Tourism may make a contribution or grant a subsidy to a person who performs a project to develop technology for all or some of funds required for such project.

Article 7 (Collaborative Development and Research)

- (1) In order to develop and research cartoons or cartoon products, the Minister of Culture, Sports and Tourism shall endeavor to establish an institutional basis for facilitating collaborative development and research by sharing human resources, facilities, equipment, materials, funds, and information.
- (2) The Minister of Culture, Sports and Tourism may fully or partially subsidize a person who implements collaborative development and research pursuant to paragraph (1) in relation to expenses incurred in collaborative development and research.

Article 8 (Vitalization, etc. of Distribution)

- (1) The Minister of Culture, Sports and Tourism shall endeavor to vitalize the distribution of cartoons and cartoon products and to promote the informatization of distribution in order to promote the cartoon industry.
- (2) The Minister of Culture, Sports and Tourism shall endeavor to prevent illegal reproduction and distribution of cartoons and cartoon products, to provide related education, and to protect intellectual property rights, and may provide assistance necessary for such activities.

Article 9 (Establishment of Order in Distribution)

- (1) No cartoon entity shall unilaterally demand a cartoonist or another cartoon entity without reasonable grounds, taking advantage of his/her position, to transfer an intellectual property right, compel a cartoonist or another cartoon entity to sign an unfair contract, or make unjust enrichment.
- (2) If the Minister of Culture, Sports and Tourism finds that a cartoon entity violates paragraph (1), he/she may request the head of the competent agency to take necessary measures therefor.
- (3) The Minister of Culture, Sports and Tourism may prepare standard terms and conditions, consulting with the Fair Trade Commission, as provided in [Article 19-2 of the Regulation of Standardized Contracts Act](#), and may recommend cartoon entities and associations of cartoon entities to use the standard terms and conditions.
- (4) When the Minister of Culture, Sports and Tourism intends to establish or amend the standard terms and conditions under paragraph (3), he/she shall hear opinions thereon from relevant associations of cartoon entities and experts.

Article 10 (Protection of Intellectual Property Rights)

- (1) In order to protect and nurture cartoonists' creative activities and the cartoon industry, the Government shall explore measures to protect intellectual property rights to cartoons.
- (2) In order to protect intellectual property rights to cartoons, the Government may implement the following projects:
 1. Countermeasures against violations of intellectual property rights through Internet or by electronic technology;

2. Education and publicity about copyrights and intellectual property rights to cartoons;
 3. Other matters relating to the protection of copyrights.
- (3) The Government may designate an institution or organization specializing in intellectual property rights, and may authorize it to perform a project specified in any subparagraph of paragraph (2), as prescribed by Presidential Decree.

Article 11 (Assistance in International Cooperation and Entry into Overseas Markets)

- (1) In order to enhance the competitiveness of cartoons and cartoon products for export and entry into overseas markets, the Minister of Culture, Sports and Tourism may conduct the following activities:
1. Holding international exhibitions, etc.;
 2. Marketing and advertising activities in overseas markets;
 3. Inviting foreign investments;
 4. Assistance in localization of cartoons in overseas markets;
 5. Assistance in joint production of cartoons in overseas markets;
 6. Other activities required for international cooperation and entry into overseas markets.
- (2) In order to efficiently conduct any of the activities specified in paragraph (1), the Minister of Culture, Sports and Tourism may entrust an institution or organization with such activities or authorize an institution or organization to perform such activities on his/her behalf, as prescribed by Presidential Decree, and may fully or partially subsidize such institution or organization in relation to expenses incurred therein.

Article 12 (Protection of Rights and Interests of Users)

In promoting the cartoon industry, the Minister of Culture, Sports and Tourism shall take the following measures to protect users' rights and interests:

1. Education and publicity for effective use of exemplary cartoons and cartoon products;
2. Remedial measures for complaints of and losses by users of cartoons and cartoon products;
3. Other measures to protect users of cartoons and cartoon products.

Article 13 (Recognition of Jointly-Produced Cartoons as Korean Cartoons)

- (1) A jointly-produced cartoon may be recognized as a Korean cartoon, if elements of human resources participating in, or materials utilized for, creating or producing the cartoon meet the standards for recognition of Korean cartoons.
- (2) Matters necessary for the standards and procedure for and method of the recognition of Korean cartoons under paragraph (1) shall be prescribed by Presidential Decree.

CHAPTER III SUPPLEMENTARY PROVISIONS

Article 14 (Delegation of Authority)

The Minister of Culture, Sports and Tourism may partially delegate his/her authority under this Act to the Special Metropolitan City Mayor or a Metropolitan City Mayor, Special Self-Governing City Mayor, *Do* Governor, or the Governor of a Special Self-Governing Province or the head of a *Sil/Gun/Gu*, as prescribed by Presidential Decree.

ADDENDUM

This Act shall enter into force six months after the date of its promulgation.
