

A Legal Approach for the Definition and Scope of Digital Content

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1. Introduction

With the increasing diffusion of smart devices, the digital content industries are rapidly growing. In order to foster these industries, the development of technology, the protection of information, and regulatory policies, the definition and scope of the industries needs to be determined. This is because cultural contents, digital contents, broadcasting and communication contents, and smart contents are extensively duplicated in the major genres of film, music, games, cartoons, and publications. This study aims to analyze the definition of digital contents according to the relevant laws, and to establish the scope of digital content industries formed by genre.

2. Definition of Digital Content

MCST(The Ministry of Culture, Sports and Tourism) related ‘The Act on the Promotion of Content Industry’ and ‘The Framework Act on the Promotion of Cultural Industry’ outline the grounds for pursuing policies on the fostering of contents industries and on the development of technology. Furthermore, these acts clearly explain the definition of terms, such as contents, the contents industry, the cultural industry, cultural contents, digital contents, digital cultural contents, and multimedia contents. The scope of contents includes general contents that are based on creativity and culture; digital cultural contents; and convergence contents, which are distributed through ICT devices. In other words, ‘The Act on the Promotion of Content Industry’ includes the transformation or processing of contents into images and electronic formats, and ‘The Act on the Promotion of the Cultural Industry’ includes digital contents, digital cultural contents, and multimedia contents in order to provide the basis for formulating policies on digital contents.

[Table 1] MCST Laws on Content

Term	Laws	Definition(Description)
Contents	<i>The Act on the Promotion of Content Industry</i> <i>The Framework Act on the Promotion of the Cultural Industry</i>	Data or information on symbols, letters, figures, colors, voice, sounds, image, and video(including combinations of these items)
Contents Industry	<i>The Act on the Promotion of Content Industry</i>	Industries related to the production, distribution, and use of contents that create additional economic value or to the relevant services(including combinations thereof)
Cultural Industry	<i>The Framework Act on the Promotion of the Cultural Industry</i>	Industries related to planning, developing, producing, manufacturing, distributing and consuming cultural products, and of related services; which include one of the following(exhibitions, fairs, sample markets and festivals targeting film, video, music, game, publication, printing, periodicals, broadcasting video, cultural heritage, cartoon, character, animation, educational entertainment, mobile cultural contents, design(excluding industrial design), advertisement, performance, artwork, crafts, contents-related service, clothing using traditional materials and techniques, formations, decorative items, artifacts and daily articles, and cultural products)
	<i>The Act on the Promotion of Culture and Arts</i>	Businesses related to planning, producing, and exhibiting cultural and artistic works and goods by using industrial methods
Culture Contents	<i>The Framework Act on the Promotion of the Cultural Industry</i>	Contents with cultural elements internalized
Digital Contents	<i>The Framework Act on the Promotion of the Cultural Industry</i>	The production or processing of data or the information on symbols, letters, figures, colors, voices, sounds, images, and video(including combinations of these items) into digital formats in order to better preserve and use them

The MCST-related laws include *The Act on the Promotion of Content Industry* and *The Framework Act on the Promotion of Cultural Industry*, along with laws according to the genres(classification) of contents, such as

film/video, movies, music, games, cartoons, printing, publications, cultural arts, performances, and sports/e-sports. Notably, *The Act on Copyrights* is implemented to protect the copyrights to author contents, and to ensure the fair use thereof, thereby providing the legal grounds for overall chains of value in the area of contents(Create → Produce → Distribute → Consume). Relevant laws include *The Act on the Promotion of Content Industry*, *The Framework Act on the Promotion of the Cultural Industry*, *The Act on the Promotion of Films and Videos*, *The Framework Act on the Promotion of Films*, *The Act on the Promotion of Music Industry*, *The Act on the Promotion of Game Industry*, *The Act on the Promotion of Cartoons*, *The Act on the Promotion of the Printing Culture Industry*, *The Act on the Promotion of the Printing Culture Industry*, *The Act on the Promotion of Culture and Arts*, *The Act on Performances*, *The Act on the Promotion of the Sports Industry*, *The Act on the Promotion of e-Sports*, and *The Act on Copyrights*.

[Table 2] Laws on Contents by Ministry

Ministry	Laws	Definition(Description)
MSIP	<i>The Act on the Promotion of ICT Industry</i>	ICT, the ICT industry, and ICT companies
	<i>The Framework Act on the Development of Broadcasting and Communication</i>	Broadcasting and communication, broadcasting and communication contents, and broadcasting and communication business operators
	<i>The Act of the Promotion of Software Industry</i>	Software, the software industry, and software business operators
	<i>The Special Act on the Promotion of ICT and Activation of Convergence of ICT, etc.</i>	ICT, ICT convergence, software, digital contents, and digital content business operators
	<i>The Framework Act on Science and Technology</i>	The Establishment of the National Science & Technology Standard Classification System(Article 27), etc.
MOTIE	<i>The Act on the Development of the e-Learning Industry and on the Promotion of Use of e-Learning</i>	e-learning, e-learning contents, the e-learning industry, and e-learning business operators
	<i>The Act on the Promotion of Industrial Designs</i>	Industrial design, etc.
	<i>The Act on the Promotion of the Space Information Industry</i>	Space information, the space information industry, space information businesses, and space information business operators
	<i>The Act on the Development of the Exhibition Industry</i>	The exhibition industry, exhibitions, and exhibition business operators
	<i>The Act on the Promotion of the Industrial Convergence</i>	Industrial convergence, new industrial convergence products, and new convergence industries
MOLIT	<i>The Act on the Promotion of the Space Information Industry</i>	Space information, the space information industry, space information businesses, and space information business operators
MOSPA	<i>The Act on the Management of Public Archives</i>	Archives and the management of archives

3. The Scope of Digital Content Industries

When defining the scope of industries based on the definition of contents, MSIP and MCST have their own independent areas in the ICT and culture category, but they are duplicated in the digital contents category. Especially, the categories of cultural contents, digital contents, digital cultural contents, broadcasting and communication contents, and smarts contents are extensively duplicated in the major genres of film, music, games, cartoons, and publications.

According to the national science & technology standard classification system, MCST-related technological classification name is ‘content(code: HE14)’. This category consists of 19 items, namely, creation/planning of contents, the distribution of contents; the protection of copyrights/fair use thereof; digital film; the processing of digital music/sound, characters/cartoons/animations, games, mobile/new media contents, e-books, U-learning, storytelling, cultural design, cultural welfare, virtual reality/virtual worlds, emotion recognition, and sophisticated performances/exhibitions; and the digitalization of cultural prototypes, digitalization, educational entertainment, convergence-type contents, and otherwise non-categorized contents.

4. Conclusion

Given the definition and scope of digital contents, ICT and cultural contents are generally duplicated, thereby limiting the categorizing of content areas by ministry. Also, with the acceleration of the convergence by technological innovations, the future policy on the fostering of digital contents industries and the development of technology should focus more on the value chain of contents, namely, creation and distribution, rather than on genres.

5. References

- [1] The National Science & Technology Standard Classification System, National Science and Technology Council' Notice No. 2012-4, September 13, 2012.
- [2] The Framework Act on the Promotion of Cultural Industry, etc., National Law Information Center, www.law.go.kr