

Realities of Intellectual Property Rights in Establishing a Digital Contents of Korean Buddhist Culture

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I. Introduction

Buddhism in modern Korea exists in two dimensions such as a religion which emphasises moral training and a part of the tradition which is a trace of life from the past. Since it was introduced and accepted into Korea, as Buddhism was a common creed among the three Kingdoms, *Goguryeo*, *Shilla* and *Baekje*, it has shown evidence of the homogeneity among the Korean people, cultural exchanges and originality of each era.

Currently, the Buddhist culture is accommodated as relics, remains and intangible culture in a system of knowledge. According to statistical data in the 'List of the Buddhist cultural property in current Korea' published by the Jogye Order in 2006, 173 articles among 308 National Treasures of Korea (56.4%) are Buddhist cultural property. Among them, 71 belong to the nation, 62 to the Jogye Order, 38 to individuals and 2 to other Orders.¹⁾ Among the 1,457 Treasures of Korea, 935 articles (65.3%) are Buddhist cultural property, and the Jogye Order possesses 422 of them. In addition, among 2,219 articles

1_ Most of the Korean Cultural Properties are Buddhist Cultural Property, *Internet Modern Buddhism Buddha Newspaper*, 27 Apr. 2006

of tangible cultural property of local governments, 1,173 (52.9%) articles are Buddhist cultural property.²⁾ In terms of the intangible cultural property, two of the Important Intangible Cultural Properties of Korea such as No. 48 Craftsman of *Danchong* and No. 50 *Yeongsanjae*; however, many important domains of intangible cultural properties belong to the Buddhist culture such as the feast in a venue like the Chungryong temple where *Namsadang Nori* was initiated by Buddhist architects and craftsmen. Furthermore, people in modern days who are exhausted from their hectic life style and wish to pursue a slower and calmer life style where things like simple food are of interest to them, they can experience this lifestyle and food in a temple. Consequently, 'temple stay' is becoming more popular and more people are becoming interested in the Buddhist culture.

As a treasury of traditional culture, the Buddhist culture exists as a complete entity of the environment, inside and outside of the temple from the building, pagoda, pudo, indoor vyuha to the garden, and the area where the sound of a wind chime can be heard. Additionally, the ceremony and the life of monks in a temple have great influence on culture in general. The impact of Buddhist's is particularly strong in terms of their reflection on human internality and the union between humans and nature. The life of *Bupjung*, a Korean Zen monk who took complete refuge in nature is a good example of the positive impact Buddhism has on the public.

Interest in Buddhist traditions lead the public to recognise temples as a part of cultural heritage, and interest in life-history has been reproduced through various practical fields such as tea ceremony and ceremonial bowing as elements for encouraging a healthier life, which are ideals that originated from the lifestyles of Buddhist monks. Tangible heritage and ceremonies, food and crafts which reveals the productive process of the religion are valid examples of content regarding this traditional culture, and have been promoted as distinctive images of Korea from Western culture in the time of globalisation.

The Buddhist culture which has served as a representative image of Korea starts to show practical value. For example, there are commercial advertisements which promote a positive image of Buddhism such as a mobile advertisement with a refreshing forest scene as the backdrop where people walk with a monk, or a chocolate advertisement which shows an innocent monk. However, there is a concern among Buddhists regarding the danger of misus-

2_ Website of Cultural Heritage Administration of Korea. http://www.cha.go.kr/korea/heritage/search/Detail_Result.jsp.

ing or displaying disparaging images related to Buddhism.³⁾ The policy for traditional culture has been changed from preservation to application for commercial purposes. Unlike when Buddhism was accommodated in everyday life with the principles of existence, there come potential problems when the Buddhist culture as a tradition is used in commerce. The most serious concern over the perception of Buddhism as a tradition is to mislead the public of its essence.

Twenty years from the time when the government initiated the search for traditional culture which symbolised Korea, many Internet sites which specialise in traditional culture naturally contain elements or representations of Buddhist culture. This article explores and analyses the data of digital contents regarding Buddhist culture, and tries to identify issues of tradition which are based on religion, especially as the Buddhist community is excluded from intellectual property rights. This article also considers morals and ethics in transmission and development of traditional culture in relation to digitalisation and utility based on national interests.

II. The Condition of Digital Contents Regarding Buddhist Culture

The recognition of culture as an industry is a prerequisite for the digitalisation of Buddhist culture. Culture consists of elements of inorganic substances and has individuality as a whole, like an organism. However, given that culture has value and it plays a great role in integration, it may be necessary to consider the super organism theory by A. L. Kroeber to understand culture. In this regard, culture can be understood as a configuration, and it is argued that there is a pattern or theme in individual culture. Many different patterns are individually unique and maintain their integrity for a long time and hardly change. However, if the contradiction in relations among the internal elements of a culture is expanded and the integrity of the culture collapses, culture changes and a different form of integrity will be established. In this way, ethnicity or national identity changes throughout history.

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 3_ Jogyejong, *Seminar for Protection of Intellectual Property Rights on the Buddhist Cultural Property*, Oct. 2008.

Although patterns of a culture are hard to change, changing a pattern is relatively easier than changing many cultural elements which can be recognised consciously or unconsciously. In this regard, it is notable that Gramsci, who took notice of the role of intellectuals, maintained the necessity of active cultural hegemony and initiated the discussion on it and found a possible path for practical intervention in a society using public culture. Currently, culture is the most extensive term used to define every part of humanity.⁴⁾

As the attribution of culture lies in symbolism, the enactment of ‘Cultural Symbols of Korea’ is significant in terms of the connection between culture and industry. ‘10 Cultural Symbols of Korea’ which were enacted by the Ministry of Culture and Tourism include: *Hangul*-Korean alphabet, *Kimchi & Bulgogi*-Korean traditional dishes, *Hanbok*-Korean traditional dress, *Seokguram*-Korean grotto shrine, *Bulguksa*- Buddhist Temple, *Taekwondo*-Korean martial arts, *In-sam*-Korean ginseng, *Talchum*-Korean mask dance, and *Sulaksan*-Sulak Mountain. Later, two more items were added, Jongmyo *Jerye**jeryeak*-Royal Ancestral Ritual in the Jongmyo Shrine and its music as well as world famous Korean artists. From 2005, these cultural symbols were systemised and applied to the industry titled of ‘Han Style’ under six categories: the Korean alphabet, Korean food, Korean clothes, Korean paper, Korean houses, and Korean music.⁵⁾

However, the term ‘cultural industry’ reflects the change of the meaning of culture according to the policy at that time. In the early 1990s, the concept of cultural industry was highlighted in Korea in the climate of industrialisation of leisure and the era of Korean conceptual culture and information which were initiated by a newly started civil government. Originally, the perspective which recognises culture as an industry was formalised by the Frankfurt School. It lacked the sense of criticism where cultural products are produced, in order to be exchanged for monetary value, they must first devalue the dignity of the culture and lessen the liberal function. Afterwards, as culture was recognised within a concept of information with the support of theories by Benjamin and McLuhan, cultural industry was transformed as cultural contents during the civil government in the early 1990s. This was related to social ambiance when small sized bencher enterprises were expanding and started to form a potential market. Later, in the era of digital media, cultural contents were redefined as digital contents.

4_ Eun Jung Cho. “Cultural Studies and Art History.” *Art Critics*. Vol. 66, Korean Association of Art Critics, 2002, p.60-92.

5_ Han Style. <http://www.han-style.com>

As the concepts of 'nation' and 'state' were emphasised during the early stage of the modern nation, these notions were reinforced during the establishment of the digital world where globalised words and symbols flourish. An example of such a phenomenon can be illustrated in the case of both Western and Eastern countries as they attempt to build digital contents starting in the intangible cultural heritage field.

As the world competed over natural resources and industrial products in the modern era, we again compete for resources and processed contents in virtual space. In this circumstance, contents in virtual space are recognised as wealth; it is important to find out the original resources and develop them. For example, as Mulan was processed by Disney, the Mongolian woman lost her dignity of being a heroine as she was described and categorised under the Western impression of what is recognised as an Asian woman. Once lost, it is very difficult to re-obtain a chance to reprocess the resource according to the necessity of their own country.

In Korea, the Korea Creative Content Agency has conducted a series of projects which process traditions of strong authenticity of Korea since 2002 referred to as the 'Cultural Archetype Project'. The agency defines the cultural archetype as all kinds of resources that can claim rights (original, secondary right or moral rights) over the contents created under the theme of 'Korean Archetypes', which expresses the uniqueness of the Korean culture, and 'Global Archetypes' that embrace universal values.⁶⁾

As well as being an object of process for external service providers, the Buddhist community develops digital contents such as information of the Order or a temple on the Internet or show the life of the community for propagation. However, the prime concern of the Buddhist community over external production derives from the fact that they have a limited access to the process of production or reproduction of outsiders which may have filtered views of understanding. Besides, as an owner of the resources, they do not have much right or opportunity to participate in, assert right over, or request to correct errors that are made during the utilisation of Buddhist culture.⁷⁾

6_ The Korea Creative Content Agency, Comprehensive plan for the project of the digitalisation of Korean cultural archetype, 2003-2007.

7_ According to Shin, Ji-Yong, there are many cases of caricaturing Buddhist culture, deliberately or for fun, in digital DB, and the Buddhist community is taking this issue seriously. This research was inspired by research and DB of Shun, Ji-Yong. Cho, Eun-Jung, 'Present Condition and State of the Copyrights System of Buddhist Culture,' 'Seminar for protection of intellectual property rights on Buddhist cultural property,' The Joeye Order, 2008. 10.

Therefore, among the digital contents of Buddhism, the Jogye Order constructed an Internet site for the temple stay programme of the Cultural Corps of Korean Buddhism, and it has received positive feedback.⁸⁾

1. Digital contents related to Buddhist culture in public contents

Buddhist cultural heritage is a part of national cultural heritage which is processed into digital contents in the Knowledge Information Resource DB Solution Enterprise. This is because 70% of DB on cultural property is Buddhist cultural properties. According to research by Yu, Dong-Wan ‘Proposals for the Application of Copyrights of the Buddhist Culture’ in 2008, there are several DBs available related to Buddhist culture: ‘DB on the Cultural Heritage of Korea of the Ministry of Culture and Tourism’ (www.heritage.go.kr/index.jsp); ‘Cultural Archetype Contents DB’; ‘National Memory Heritage Service’ (www.memorykorea.go.kr); ‘Korea National Heritage Online’ (www.dheritage.go.kr); tripikata Koreana DB (<http://kb.sutra.re.kr/ritk/index.do>); and ‘Information for Korean Buddhist Culture’ (<http://buddha.dongguk.edu/>).⁹⁾

Most DBs define Buddhist cultural heritage as cultural heritage which is subject to preservation; emphasises the necessity of record taking for the condition of the heritage and its preservation; and focuses on digital archiving



Figure 1 Web Site of the Korea National Heritage Online



Figure 2 Web Site of the National Memory Heritage

8_ For information regarding Internet sites, see Kim, Yang-Woong, “Present Condition and direction of the Construction of the Contents of Buddhist Culture”, *Electronic Buddhist Text*. Vol. 7, Institute for Cultural Contents, Dongguk University, 2006.

9_ You, Dong-Hwan. “Suggestion for the Application for Intellectual property Rights of the Buddhist Culture”. *Seminar for protection of intellectual property rights on Buddhist cultural property*, The Jogye Order, 2008. 10.

from tripikata. Moreover, the digitalisation project of the Cultural Heritage Administration of Korea aims to digitalise the data of analogue DB. However, most of the cultural properties in need of repair are stone structures and architectures which belong to Buddhist culture.

Features of these DBs are as close to archives as they have, as they focus on preservation. Therefore, the data has a relatively high quality. However, although the reliability of the DB is improved, there lies danger for the DB to become fossilised data in a library. In this regard, it is necessary to improve the accessibility of the public to these DBs by processing them as digital contents.

Han-Style

Han-Style is a support strategy of the Ministry of Culture and Tourism and aims to be the 'globalisation strategy of content for traditional culture'. This project aims to create, employ and enhance the national image by interpreting scientific nature, health and philosophical principles in a modern sense, and pursue familiarisation, industrialisation and globalisation over the long term. Thus, this project does not promote Buddhist culture upfront, but includes Buddhist culture as a part of it, such as through promoting temple food which again is a part of Korean food culture. Han-style has evolved as Han-brand strategy and focuses on industrialism. It supplements the contents of Buddhist culture by linking with Internet sites for research on temple food or tea culture.



Figure 3 Web Site of Han Style

Korean Culture Archetype Project

This project was not much use at its early stages; however, it suddenly came into the limelight as the Korean film 'King and the Clown' became popular. The popularisation of Korean traditional culture caused the active development of contents and, consequently, the issue of copyright emerged. For example, the Internet site of 'Korea Insight' which was developed by the Samsung Foundation and SDS provided contents of digitalised cultural heritage. The site avoided the issue of copyright by writing articles themselves, but the images from their sites became subject to copyright laws and resulted in their termination.

In the early stage of the Korea Culture Archetype Project, it was more common to digitalise real photographs, but later more graphic images were used for immediate use. As the application of images was the main purpose of the project, the project focused on the construction of a vast collection of images which were based on the archetype. However, due to a lack or distortion of the exact meaning behind the images and traditional knowledge, there is a great possibility of losing the symbolism of the images, which causes mutual damage to service providers and the Buddhist community. The list of archetype projects related to Buddhism is as seen in Table 1 below.



Figure 4 An example of Project of Korean Culture Archetype

Table 1 Buddhism related projects in the Korea Cultural Archetype Project

Project Theme	Developer	Year
Development of expositional elements of Palgwanhoe of Koryo	2RHenry, Inc. Co	2002
Research Development for digitalisation of Dancheong of Manbong	NRK, Inc. Co.	2002
Development of characters in Korean Buddhist paintings Honam University	Honam University	2002
Digitalisation of Eternal Life Painting for the development of computer games	Imaging Research Centre, Hanseo University	2002
Development of a digital temple architecture plan	Yeokum, Inc. Co.	2003
Development of Digital Contents using the archetype of Korean stone pagodas	Institute for Characteristics of Culture and Art, Jeonnam University	2004
Development of the creation of material for scenarios and visual materials using Buddhist tales	Jeonnam Cultural Property Research Centre	2004
Development of objects in Buddhist temples such as bells	BBS	2005
Digital Contents of Ankor Wat	Research Institute for Electronic Buddhist Canon, Dongguk University/CG wave, Inc. co	2005
Digitalisation of the Life and Culture of Korean Monks	Design PT, Inc. co/Jeonju University	2005
The Mystery of Cheonbul Cheontap and the power of the Reclining Buddha - story bank	The Gwangju Information and Culture Industry Promotion Agency	2005
Development of creational material from 'Sumeru Altar', the essence of Korean woodcraft	iNEK, Inc. Co.	2006

Project Theme	Developer	Year
Development of Digital Contents of Wango cheon chuk guk jeon of HyeCho from the United Shilla Kingdom 2005	KAIST	2007
Story bank of Wonhyo	R&DB Foundation, Dongguk University (cultural contents of electronic Buddhist canon)	2009

However, recently these projects were criticised for their low profitability. Since 2002, for nine years, 63,540,000,000 won was invested into the project, but only profited 742,000,000 won.¹⁰⁾ This criticism was based on the economic approach which counts value toward the cost of digitalisation. However, despite the possibility of distortion of the contents from interpretation, it is important to accumulate digitalised data. As it is not appropriate to evaluate education only with monetary value as it can also be a social investment for human capital and social infrastructure, the same approach has to be applied to the project of the digital contents. This result was somehow anticipated when the project focused on the practical implication of traditional knowledge. The dilemma between preservation and application of the traditional knowledge show a clear understanding of traditional knowledge and conservation of the archetype. Having pursued superficial applications of partly defined traditions and neglecting transmission, now the application of digital contents is facing a serious crisis. However, it is notable that the frequency of using Buddhist tales and culture was relatively high.

2. Digital contents developed by the Buddhist community

Since 2000, the Buddhist community started to develop digital contents themselves. For example, the Jogye Order established the Cultural Corps of Korean Buddhism and produced cultural contents. Besides, there are many Internet sites which provide Buddhist digital contents such as a homepage for temples. However, it is problematic for them as processed contents are subject to copyright laws where Buddhist organisations have to pay a fee even though they are using images of their own. This situation is reflected in the change of seminar themes in the Buddhist community, for example, protection of copyrights

10_ Project of Korea Culture Archetype, No Value for Money, COCA News, 4 Oct. 2010

was the main theme of the seminar in 2008 whereas, in 2006, the industrial application of Buddhist archetype was the key issue. The reason behind the rapid switch in direction from propagating to protection is that although the Buddhist community has actively cooperated in developing digital contents, their right has not been protected.

The dilemma between propagating and protecting copyright is highlighted in the unique concept of Buddhism toward goods and the practice of alms which is a broader concept than service. The Buddhist community sees monks as having great virtue, and they are still concerned about the situation regarding monks having to pay a fee when they would like to present their own images of to the public.



Figure 5 Web Site of Temple stay of Jogye Order

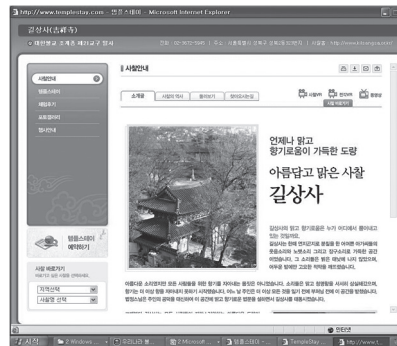


Figure 6 Information of temples on Temple stay Web Site

3. Digital contents produced by non-Buddhists

The Buddhist community has recognised numerous problems regarding copyrights in digital contents produced by non-Buddhist. Many Buddhist contents, as a main theme or setting, are provided to the public as a spectacle, for example, a documentary on temple life, films about Buddhism, and programmes about Buddhist culture as cultural heritage. Buddhist organisations have also produced and distributed digital contents. Temples are normally being very cooperative with production and even provide private spaces such as a meditation room; however, as copyright belongs to the production, temples are rewarded merely with copies of the DVDs.

In the perspective of temples, while a TV documentary programme about their space is broadcasted to the public for an hour, it is very difficult for them to use a short part of the programme for their Internet site as they have to consult a sales department and pay the fee. Consequently, temples may give up

using images of their own properties. Therefore, it has been discussed in the Buddhist community that temples should cooperate with productions under the condition of acquiring rights to use images.

In fact, many productions related to Buddhism without appropriate consultation tends to distort the nature of Buddhism. For example, the quality of the Korea Cultural Archetype Project which was initiated by the Korea Creative Content Agency could be improved only if the agency consulted the Buddhist community. Nonetheless, the community has encountered a dilemma in defining the scope of the public domain and has not actively claimed their legal rights. In this regard, developers tend to conduct projects without consultation which causes a decline in the quality of the products.

Example 1 The Mystery of Cheonbul Cheontap and the Power of Reclining Buddha

The project was conducted by the Gwangju Information and Culture Industry Promotion Agency in 2006 in order to create public medium of information regarding the *Unjusa* temple including its history, tales and *Cheonbul choentap* using 3D, modelling data, photographs, moving image data, mobile contents, play, opera, film and musical scenario, educational cartoon, and Internet sites. However, no consultation was made with the temple in terms of copyrights, prior contents, maintenance of the contents, or use of products in the process of the production.

The purpose of the project was to develop scenarios based on storytelling. However, as they use the unique pagodas of the temple, it would be more appropriate to research in depth the meaning of the temple rather than producing products with superficial dimensions. As



Figure 7 Web Site selling design sources



Figure 8 Web site introducing Unjusa temple information of Contents Distribution

the project was focused on the application, it tends to lack an understanding of iconology; therefore, was not able to highlight the strengths of the Buddhist culture as an essence of spiritual culture.

Example 2 Life and Culture of Korean Monks

The project digitalised the contents of every aspect of life and culture of Korean monks, including food, clothing, accommodation, ceremonies and other parts of their life. This project was initiated in cooperation with a Buddhist organisation, but there was no consultation with the Order. Once the project is completed, the copyrights of the project would belong to both the Korea Creative Content Agency and the service provider.

The assumption that it is possible to commercialise the life of monks although the rights of Buddhist monks was neglected is based on the perception that the Buddhist culture belongs to the public domain. In this sense, it can be argued that some graphic images seem to make a caricature of the life of monks within the bounds of portrait rights.



Figure 9 Web site, 'Life and Culture of Korean Monks'



Figure 10 Web site selling an image of the act of 'tongsure'

III. Digital Contents Regarding Buddhist Culture and its Intellectual Property Rights

As seen above, it is widely believed that Buddhist culture is under the pretext of the public domain as a traditional culture. Consequently, it is very common to assume that consent is unnecessary to photograph temple buildings, paintings, statues or even monks. Furthermore, due to the expansion of 'blogging

and bloggers', many moving images are uploaded on Internet sites such as YouTube and other commercial sites.



Figure 11 Moving images of morning service in Haemsa temple on a Web site

Besides, the Buddhist culture is often used as a background image for websites or advertisements. Unlike secular paintings of Kim Hong-Do, or Chung Sun, there can be more serious issues of distortion or degeneration when advertisements modify or parody religious culture.

For example, there is a distinction between the public and the Buddhist community regarding *pudo*, stone monuments of famous monks. Basically, *pudo* is a grave for monks of great virtue. However, unlike in the secular world, the Buddhist community respects *pudo* as the legacy of the existence of the monk as a teacher. Thus, if one only focuses on *pudo*'s funerary aspect, it becomes a mere tomb of dead monks. Therefore, if *pudo* is recognised only in a secular sense, the meaning of *pudo* field in *Songgwangsa* temple, which is to elucidate the public of the value of enlightenment, will be lost, and the public will be wondering why graves of monks were placed in the entrance of the temple. This illustrates the danger of losing religious context of a phenomenon as tradition can dilute a clear distinction between different schemes of value within the same phenomenon.

Many Internet sites are selling images of Buddhist cultural property. Although sharing data is becoming a common practice, some Internet sites are selling images in high resolution for industrial purposes such as design, publication or entertainment.

50 years after the death of the creator, copyrights apply differently. In terms of Buddhist cultural property, it would be appropriate to consider the rights of the preserver rather than that of the creator, to be vigilant for unreasonable attitudes intending to damage the religious dignity of Buddhism and those who mislead the public about traditional culture.



Figure 12 Video of Pudo Field at Songgwangsa temple on a Web Site



Figure 13 A Web site selling Buddhist images

This is an example of how an existence of *Jireumsin* (the god of shopping) which used to be a good joke can contribute to the distortion of Buddhist culture.

The image of '*Bodhisattva Jireum*', which was derived from *Jireumsin* (the god of shopping), initially appeared as an item on MSN Messenger 7 in 2005, and caricatured *Ksitigarbha* (*Bodhisattva Jijang* in Korean) by putting a credit



Figure 14 Bodhisattva Jireum
(Bodhisattva of shopping)



Figure 15 Example: parody artist
Manbong's painting of Bodhisattva Jireum

card on his crystal ball. According to an Internet newspaper at that time, this was used as content for humour, and inspired by a Korean slang word ‘jijreuja!’ which means “buy it, when you can afford it!” The article on the newspaper said it was looking forward to having more fun using MSN messenger.

Jireumsin, even as a slang word became a very popular word in Korea, and *Bodhisattva Jireum* is one of the most commonly used images of *Jireumsin*. It seems that *Bodhisattva Jireum* was inspired as they both start with a word ‘ji’ in Korean. However, degenerating *Bodhisattva Ksitigarbha*’s image of love and reverence by transforming his image that destroys humanity with vanity and overspending is a serious problem. It shows that, according to the intention of the developer, the original character of the image can be omitted and degenerated. Recently, many versions of *Jireumsin* are available, and Figure 15 above is an example. The problem with Figure 15 is that the image was degenerated although copyrights of the image still exist. Many Buddhist cultural properties are not subject to copyright as most of their creators passed away more than 50 years ago. However, the preconception that all Buddhist cultural properties are very old aggravates the infringement of copyrights of modern Buddhist art.

The Buddhist culture is difficult to be protected by law as it is a collection of heritage or remains which is typically over 50 years old. Therefore, the only possible domain that can be actively produced is presentation-based intangible heritage which enables them to protect their culture. It is possible that if the Buddhist community takes action, the minimum intellectual property rights can be granted as the subject of digital contents since processed data can be protected by law.

IV. Conclusion

A problem occurred in the process of digitalisation of the Buddhist culture due to the concept of the public domain which leads to the expiration of the intellectual property rights. However, Buddhist culture as a public domain has an ambivalent value as it can be beneficial to the public and the Buddhist community for missionary work, however, at the same time, there is a danger that it could be used as a tool to belittle Buddhism or infringe the privacy of Buddhists. Therefore, today, the Buddhist community has a dilemma between being open and closed off, whether to provide property of temples to society as a public domain or to regulate access to it for the protection of the property.

In this regard, recently the Buddhist community announced the legitimating of 'The Act (Doctrine) of Management of Intellectual Property Rights of Buddhist Culture' as a movement for the reinforcement of their rights on Buddhist cultural property, and it was quoted in a newspaper as following:

According to the Act of the Management of Intellectual Property Rights of Buddhist Culture, heads of the Buddhist organisations such as the chief monk of temples where saintly relics are placed for the responsible preservation and management of intellectual property are held, the head of the organisations, as a manager of intellectual property, should acquire prior consent from the Order and make a contract in the form of a recommendation whenever he or she gives permission to outsiders for photographs, interviews, production and broadcasting of sound or image as well as transmission or storage of them.

Even when a Buddhist organisation produces moving images, TV programmes, cartoons, animations or PC games themselves, the head monk of the organisation is obliged to make a contract and report to the Order immediately. Furthermore, when the intellectual properties are lost or damaged due to a deliberate action or gross negligence, the head monk would be subject to penalties from suspension for over five years to expulsion.¹¹⁾

In this doctrine of the Order, 'intellectual property rights of the Buddhist culture' refers to contents of photographs or movies of Buddhist cultural heritage elements such as statues, architectures, pagodas and crafts; and entire legal

11_ Preliminary Announcement on the Legislation of the "Act of management of intellectual property rights of Buddhist culture". *Beopbo, The weekly Newspaper*. Jogye Order, 7 Oct. 2010.

rights such as intellectual properties regarding copyrights, patent rights, and trade secrets which are related to expressions of intangible Buddhist culture.¹²⁾ This new doctrine tends to reflect the change in the policy of the Order that developing Buddhist contents in the Jogye Order should strictly follow the regulation and the minimisation of the legal autonomy of an individual temple.

Due to the individualistic nature of Buddhism, certain temples or monks in the Order may take a more passive attitude toward providing information for protection of their properties. However, in this digital age, in which various forms of communications are available on digital TV and the Internet, if the Buddhist community decides to be passive and protective, it can lead to the fossilisation of the Buddhist culture. To meet the needs of the time, the Buddhist community should actively archive their digital contents and secure related intellectual property and utilise them in the cultural economy such as OSMU (One Source Multiuse). It is important to ensure accurate and undistorted information about the nature of the religion, heritage and remains so that users can easily gain access to information and reproduce it in order to re-settle Buddhism as a Korean traditional culture.

The Buddhist culture should be researched and utilised in depth as a resource of myths, religions and ceremonies which are characters of the Korean culture in the era of digital cultural contents. However, it is also important to reflect on whether the developers and managers have neglected the rights of the Buddhist community under the pretext of the public domain. On the other hand, the Buddhist community should reconsider whether they have claimed their rights as a present owner of the heritage and try to be the subject of the production to maintain their dignity. In the cold-hearted world of the Internet, I expect the Buddhist community to show us a different attitude as seen in a Buddhist sutra “Form is empty”.

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12_ Ibid