

Implement law of the internet multi media broadcasting business act
[Enacted 2008.8.12 presidential rule # 20968]

Article 1(Purpose) This act is to state the matters delegated from the 「Internet multi media broadcasting act」 and the necessary matters.

Article 2(Approval of internet multi media broadcasting offering business) ① From the item 5 of para. 3 of article 4 「Internet multi media broadcasting act」 (stated as “act” hereafter) “matters stated under presidential rules ” states each item for the followings.

1. Article of the corporation (excludes corporation which is under establishment)
2. For cases of corporation expected to be established or under establishment, related documents (it goes with corporation that is being established)
3. Documents on stocks or shares of a corporation

② The broadcasting and communication committee that received the request form according to para. 3 of article 4, should check the registered corporation book(excludes corporation that is under establishment) through the communal usage of administrative information according to para.1 of article 21 of 「Electronic government act」 . However, when the requester does not agree upon the confirmation, one should submit the document.

③ When oen receives the approval request form according to para. 3 of article 4, the broadcasting and communication committee inspects each item of the same article of 4 and decides on whether it should approve and when it is approved, it should issue an approval for internet multi media broadcasting business.

④ The scores for the inspection matters of each item for para. 4 of article 4 is as the *1.

⑤ Detailed process, method, detailed inspection items and other matters that is needed in approval for the internet multi media broadcasting business other than the matters stated from para. 1 to para. 4, is to be notified by the broadcasting and communication committee.

The approval period for the internet multi media broadcasting business according to para. 1 of article 5 of the article 3 (approval period) act is stated at 5 years.

Article 4(re-approval) ① According to the para.2 of article 5, in order to get a re-approval, the internet multi media broadcasting service offerer should attach the business performance report and the copy of the approval of the internet multi media broadcasting business to the approval request form including the matters stated on each item of para. 3 of article 4, 3 month before the approval period ends and request for a re-approval to the broadcasting and communication committee.

② The inspection criteria for the re-approval according to the para. 4 of article 4 is composed of matters for the following item.

1. Whether the business plan, approval terms and other matters that was approved before has been implemented

2. Adjustment order of The broadcasting and communication committee, contents and number of surcharge and fine and whether it has been implemented

Article 5(Starting time of national service) ① From the para. 2 of article 6 act, "The period stated under presidential rule" means 3 years.

② When a terminal communication operator approved by the para. 2 of article 6 cannot start its service within the period of para. 1 due to acts of God or other matters uncontrollable, the broadcasting and communication committee can extend the period once within the scope of 1 year according to the request of the operator.

Article 6(prohibition of combined management etc) ① For special person who is ruled under presidential rules according to the para. 2 of article 8 and para. 3, the para.1 and 2 of article 3 of 「Broadcasting act enactment law」 and para. 2 of same article(item 1 is excluded) to para. 4 is to be applied.

② The "standard stated under presidential rule" at para. 3 of article 8 mean more than 10 trillion won in assets stated on the appointed day among the company group of mutual donation limited group according to article 14 of 「regulation on monopoly and fair transaction」 .

Article 7 (Approval of change) Matters that need approval of change according to para.1 of article 11 is as the following each item.

1. Acquisition and partition of internet multi media broadcasting offerer
2. Whole or partial transfer of internet multi media broadcasting business. In this case, the receiver of the business should get the approval of the internet multi media broadcasting business according to the article 4.
3. Change of business scope

Article 8(Acceleration of fair competition) ① According to para.1 of article 12, in order to prevent the dominant force of other industry from transferring to internet multi media broadcasting business, the internet multi media broadcasting offerer should divide the accounting of internet multi media broadcasting industry with other industry according to the notification stated by the broadcasting and communication committee.

② The internet multi media broadcasting offerer should submit the sales report that includes accounting matters made by para. 1 3 month within the end of the fiscal year to the broadcasting and communication committee and put evidence related to book on the site.

③ The broadcasting and communication committee should verify the content of the sales report submitted according to para. 2.

④ The broadcasting and communication committee can request the submission of data or execute inspection needed in confirming facts in order to verify the internet multi media broadcasting offerer according to para.3.

Article 9(Composition and operation of evaluation committee of competition status) ① In order to inspect matters of the following item according to para.2 of article 12, put a evaluation committee of competition status(stated as "evaluation committee" hereafter) on the broadcasting and communication committee.

1. Competition status analysis and evaluation for internet multi media broadcasting offerer

2. Measures for a efficient competition system set-up of the internet multi media offerer and the formation of a fair competition environment

3. Other matters that are put into agenda by the chair of the evaluation committee (stated as "chair" hereafter) to set up a fair competition policy in the internet multi media broadcasting offering business.

② Member of the committee is to be appointed or nominated by the chair from people of the following item.

1. Public servant within the high rank group of administrative posts or political public servant

2. One who had worked as a senior instructor for over 10 years at school courses related to broadcasting, communication or fair competition of school according to item 1 to 3 of article 2 of the 「Senior education act」

3. One who had worked for over 10 years as a researcher in the field of broadcasting, communication or fair competition at a renown research institute.

4. One who had worked over 10 years as a judge, prosecutor or lawyer

5. One who is working or had worked over 10 years as a executive at a committee or organization related to media industry such as broadcasting, communication

6. One who is working on broadcasting, communication or fair competition tasks at a citizen's group (means non-profit private organization according to article 2 of 「non-profit private organization support act」) and has knowledge and experience according to rules of item 2 to 4.

③ The tenure of the member is 2 years and can be reappointed once. However, the tenure of member that is appointed or nominated at a certain rank take the term of one's rank as the tenure.

④ The chair summons the meeting for the evaluation committee and resides the meeting.

⑤ When the chair wants to summon the meeting for evaluation committee, he should notify the date of meeting, venue and agenda to each member 7 days before the

meeting in paper or by e-mail. However, when it is urgent or has a reasonable reason, it does not apply to it.

⑥ The evaluation committee decides on the agreement of the majority of the original member and majority of the attended member.

⑦ The evaluation committee can hear out the views of public servants or related experts if necessary.

⑧ The evaluation committee can put 1 supervisor who is appointed by the chair from public servants within the broadcasting and communication committee.

⑨ For the member who attended the evaluation committee, you can give allowance within the budgetary limit. However, when the public servant member attends the meeting related to the task, one does not give out the allowance.

⑩ Matters needed in the composition and operation of The evaluation committee outside the matters from para. 1 to 9 is to be decided through the decision of The evaluation committee and the chair.

Article10(Standard, process and method of the competition status etc) ① When The evaluation committee demarcate the unit market or related market in order to evaluate the competition status, it should consider the following item.

1. Demand replaceability and supply replaceability of service

2. Offered scope and geographical scope of the service

3. User's features of the difference of buying power and negotiating power or specific features

② When the evaluation committee acts on the competition status evaluation, based on the unit market or related market demarcated by para.1, one should consider matters of the following item in general terms.

1. Market structure : Number of competitive operator, ownership of stock or share among the competitive operator, entry barrier, market share, demand/supply of contents etc

2. Corresponding of user : Accessibility of information for the service and alternative service or easy transfer of such service etc

3. Market performance : Rate of the operator • quality level, profitability etc

4. Conduct of the internet multi media broadcasting offerer : rate • quality competition and level of technology innovation etc

5. Status of unit market or related market of the internet multi media broadcasting offering business

③ In order to evaluate the competition status, the evaluation committee can have specialized institutes to work on tasks such as research • survey and statistics analysis etc.

Article 11(Policies to form a fair competitive environment) Based on the results of the competition status evaluation, The broadcasting and communication committee should set up and implement a policy to set a efficient competitive system for the internet multi media broadcasting business and form a fair competitive environment.

Article 12(Equal offering of electric communication facility) ① The electric communication facility according to para.1 of article 14 is facilities that is needed for internet multi media broadcasting business and when one who wants to start a internet multi media broadcasting business according to para.1 of article 14 requests a access and use of such facility but gets rejected and set up such facility or use the alternative facility of others, the facility loses competitiveness in the market and fair competition becomes almost impossible.

② The electric communication facility according to para. 1 can be divided to line facility such as digital network and infrastructure facility such as telegraph pole, duct, communication device and the detailed facility to be stated by the broadcasting and communication committee and to be notified.

③ Reasonable reason to reject the offering of electric communication facility according to para.1 of article 14 is to fall in each item of the following items.

1. When the facility that is linked to electric communication facility according to para.1 does not fit into the technological standard or national standard

2. When offering electric communication facility and a re-modeling or change of facility is needed due to loss or damage in business operation that uses electric communication facility upon difference of technological type
3. When significant damage occurs for service using electric communication facility while offering electric communication facility
4. When there is lack of marginal facility or marginal volume to be offered to other business operators
5. When there is significant needs in protecting sales information of internet multi media broadcasting offerer
6. When you can verify there is a construction plan or facility moving plan for enhancing facility within 1 year from the day you request the access and usage of electric communication facility

④ Reasonable reason to suspend or limit the offering of electric communication facility according to para. 2 of article 14 falls into one of the following items.

1. Case of item a of para. 3 to item 3
2. Technological malfunction due to hacking, computer virus etc
3. Suspension or termination of business
4. When it is hard to operate normally due to acts of God

⑤ When one is to request the access and usage of electric communication facility according to para.1 of article 14, (stated as “business request party”) one should write down the term, venue, type, standard, usage term and usage of the electric communication facility to the internet multi media broadcasting offerer which holds the electric communication facility.

⑥ The internet multi media broadcasting offerer that received the request according to para. 5, should notify within 15 days from the request day on whether one can offer the electric communication facility and when one can offer it. In this case, when it is impossible to offer the electric communication facility that falls into one of the items of para. 3, one should notify the reason in paper.

⑦ When the internet multi media broadcasting offerer that received request according to para. 5 notifies to the business request party that one can offer the electric communication facility according to para. 6 should sign a contract within 45days from the request day with the business request party and should offer the facility within 30days from the contract day.

⑧ The expense of using the electric communication facility according to para. 4 of article 14 can be discussed and set with the operator based upon the cost of the electric communication facility which is offered. In this case, the cost should be calculated in a reasonable and fair way based on the depreciation cost, donation repair cost and operation cost of the electric communication facility.

⑨ Matters needed in equal offering of electric communication facility other than the matters stated from para1 to para8 is to be stated by the broadcasting and communication committee and notified.

Article 13(Surcharge) ① From the main part of para.2 of article 17, “Sales” is the 3 year average amount of sales for 3 fiscal year before the internet multi media broadcasting offerer started the internet multi media broadcasting business. However, when it has not reached 3 years from the first day of the business starting day, it means the amount that converted the sales amount at the end of the fiscal year after starting business to the annual average sales amount and when oen starts the business on the fiscal year, it means the amount that converts the sales amount up to the day of the violation from the starting day to the annual average sales amount.

② The type of violations that imposes surcharge according to para. 2 of article 17 and the cap amount of surcharge and calculation criteria is as the * table2.

③ From the provisions of para. 2 of article 17, “When there is no sales or it is hard to calculate the sales amount and to be ruled under presidential rule” falls into one of the following items of when .

1. When there is no sales record as it has not started sales or suspended its sales

2. When it is hard to calculate an objective sales amount due to loss or damage of calculating data upon disaster etc

Article 14(Imposition and payment of surcharge) ① When the broadcasting and

communication committee is to impose surcharge according to para. 2 of article 17, it should survey and check the violations and by clarifying the violation fact, imposed amount, methods of protesting and its protest period in paper, it should notify to the imposed to pay the surcharge.

② One who is notified according to para. 1, should pay the surcharge to the related organization appointed by the broadcasting and communication committee within 20 days from the day it has been notified. However, when one cannot pay the surcharge within the period due to acts of God or other reasons, one should pay within 7 days from the day the reason goes away.

③ The reception organization which accepted the surcharge according to para. 2 should issue the receipt to the one who paid the surcharge.

④ When the surcharge reception organization received the surcharge according to para. 2, it should notify its fact to the broadcasting and communication committee.

Article 5(Type and standard of prohibition) ① The type and standard according to each item of para. 1 of article 17 is as the following *3 table.

② The broadcasting and communication committee can notify the detailed criteria for the type and standards according to para. 1

Article 16 (Reporting and registered subject of contents business) ① One who falls into one of the following items according to the main part of para. 2 of article 18 (excludes one who falls into the part of para. 2 and para.2 of article 18) should report the internet multi media broadcasting contents business to the broadcasting and communication committee.

1. One who is a broadcasting operator according to para.3 of article 2 of 「Broadcasting act」 and who wants to supply contents(In case of general cable broadcasting operator and satellite broadcasting operator, it goes for only contents of directly used channels) to the internet multi media broadcasting offerer

2. One who as a additional communication operator which is reported to the broadcasting and communication committee according to article 21 of the 「Electric communication business act」 wants to supply (Includes the additional communication operator which did not report according to the article 21 of 「Electric communication

business act. Hereafter, same as this article) contents to the internet multi media broadcasting offerer

3. One who produces, supplies contents according to regulation of other law and who wants to supply contents to the internet multi media broadcasting offerer

② One who falls into one of the following items according to para. 2 of article 18 should register the internet multi media broadcasting contents business to the broadcasting and communication committee.

1. As a broadcasting operator according to item 3 of article 2 of 「Broadcasting act」 and one who wants to supply contents(for general cable broadcasting operator and satellite broadcasting operator, it is limited to contents of directly used channel) that are not approved, registered or verified according to 「Broadcasting act」 in real time programs to internet multi media broadcasting offerer.

2. One who produces, supplies contents according to other law and additional communication operator who has reported to the broadcasting and communication committee according to article 21 of 「Electric communication business act」 and one who wants to supply contents in real time programs to internet multi media broadcasting offerer.

Article 17(Report or registering process of contents business) ① One who wants to report the internet multi media broadcasting contents business according to the para. 1 of article 16, should submit the internet multi media broadcasting contents business report form that has the following items to the broadcasting and communication committee.

1. Name of business operator

2. Name of CEO

3. Product or service name

4. Contents supplying field

5. Major office and location of major facility

6. Paid capital(Goes for only corporation)

7. Composition of shareholder or investor that has more than 5/100 of the issued stocks or total share (it is limited to only corporation)

8. Status of stocks owned by foreigners according to article 9 and related evidential documents (it is limited to only corporation)

9. Documents that verify that one is engaged in producing, supplying contents according to other law (it is limited to people who produces and supplies contents that is in line with other laws according to item 3 of para.1 of article 16)

② When the broadcasting and communication committee gets the report of internet multi media broadcasting contents business according to para.1, it should issue the report form for the internet multi media broadcasting contents business to the reporter.

③ When the internet multi media broadcasting contents operator who reported to the broadcasting and communication committee according to para.1 changes the matters of item 1, one should report it within 7 days from the date of change to the broadcasting and communication committee. However, when the matters of item 7 of para.1 or item 8 is changed, the matters that has been altered based on the end of that year should be reported to the broadcasting and communication committee by end of March.

④ For the registration of the internet multi media broadcasting contents business according to para. 2 of article 16, it follows the article 8 of 「Broadcasting act implementing rule」 .

⑤ For detailed process and method that is needed in reporting or registering the internet multi media broadcasting contents business other than the ruled matters from para. 1 to para. 4, the broadcasting and communication committee states it and notifies it.

Article18(Approval process of the contents business) ① One who wants to get approval for the internet multi media broadcasting contents business according to the evidence of para. 2 of article 18 should submit the matters of each item for para.1 of article 17 regarding the internet multi media broadcasting contents business approval request form to the broadcasting and communication committee. However, as one who falls into the para.1 of article 18 and has not yet got approval for the broadcasting channel business according to the para. 5 of article 9 of 「Broadcasting act」 , it follows the article 10 of the 「Broadcasting act implementing rule」 .

② If a internet multi media broadcasting contents operator wants to change the following items among the approved matters, one should submit the request form for change of approval of the internet multi media broadcasting contents business to the broadcasting and communication committee and when one wants to change the matters of each item for para.1 of article 17(item 4 is excluded), one should report it to the broadcasting and communication committee within 7days from the date of change. In this case, for the approval of change for item2 and 3, it follows para.1 of article 15 and para.2 of the 「Broadcasting act implementing rule」 .

1. Item 4, para. 1 article 17

2. Highest investor of the contents business(One who has the highest rate of stock or share that has voting rights that add up the stock or share of the investor oneself and one's related person)

3. One who actually dominates the management right

③ When the Broadcasting and communication committee receives the change of approval request form or approval request form according to the main part of para. 1 and para. 2, it should decide whether to approve within 30 days from the day when the request form is received and should notify the result to the requester.

④ For the detailed process and method needed in approval and change of approval other than the matters stated from para.1 to para.3, the Broadcasting and communication committee decides and states it.

Article 19(Equal access to contents) For the real time broadcasting program offered by the internet multi media broadcasting contents operator, the Broadcasting and communication committee considers the standards of each item and states it according to para. 1 of article 20.

1. Whether the ratings of the real time broadcasting program or the rating market share is more than the rate stated by the Broadcasting and communication committee

2. Public interest of the real time broadcasting program

3. When the access and usage, transaction of the real time broadcasting program is declined, suspended and limited, whether the competitiveness of the internet multi media

broadcasting offerer goes down significantly and hinders fair competition with other operators.

Article 20 (following the 「Broadcasting act implementing rule」) ① For the content censorship of the real time broadcasting program offered by the internet multi media broadcasting contents offerer, it follows the article 21 and 2 of article 66 of the 「Broadcasting act implementing rule」. In this case, “Broadcasting operator · televising cable broadcasting operator and bulletin board broadcasting operator” is seen as the “internet multi media broadcasting contents operator who reports (excludes one who reported according to item 2 of para. 1 of article 16 and item 3) or registers or approved according to the evidence of the para. 2 of article 18.

② For the composition and operation of the real time broadcasting program offered by the internet multi media broadcasting offerer, it follows the item 2, para. 1 of article 53 of 「Broadcasting act implementing rule」, regulation of each part for item 2, para. 2 of the same article (exclude A and B category), para. 3 and para. 4 of the same article and article 54 according to the following items.

1. Among the A part, item 2, para. 1 of article 53 of 「Broadcasting act implementing rule」, “more than 70” is to be seen as “more than 70 or more (It goes for cases where the number of unit of the real time broadcasting program offered by the whole internet multi media broadcasting contents operator that is televised is more than that)”

2. Among the B and C part of item 2, para. 1 of article 53 for 「Broadcasting act implementing rule」, “Broadcasting channel using operator” is to be seen as “Broadcasting channel using operator (it goes for only internet multi media broadcasting contents operator)”

3. Among the D part of item 2, para. 2 of article 53 for 「Broadcasting act implementing rule」, “exceeding 20/100 (excludes the satellite portable multi media broadcasting operator)” is to be seen as “exceeding 20/100 (excludes the satellite portable multi media broadcasting operator) cases (it goes for cases where the unit number of real time broadcasting program which is offered by the total internet multi media broadcasting contents operator that televises goes over 70)”

4. Among the para. 1 of article 54 「Broadcasting act implementing rule」, “Channel that is for public channel and missionary purposed religion” is to be seen as “Channel that is for public channel and missionary purposed religion (it goes for real time broadcasting

program of the internet multi media broadcasting contents operator)”

③ For the formation of the broadcasting program of the internet multi media broadcasting contents operator, it follows article 50 to 52 and 2 of article 52 of the 「Broadcasting act implementing rule」, and for the specialized formation of the broadcasting program of the internet multi media broadcasting contents operator approved, registered by the evidence of para.2 of article 16 and para.1 of article 18, it follows the C part of item 1 para. 4 of article 50 of the 「Broadcasting act implementing rule」. In this case, “Broadcasting operator” is to be seen as “internet multi media broadcasting contents operator who is reported or registered or approved according to the evidence and part of para. 2 of article 18. (excludes ones who reported according to item 2 and 3, para. 1 of article 16)”

④ For the formation of local broadcasting program of the internet multi media broadcasting contents operator, it follows the article 57 of the 「Broadcasting act implementing rule」 and for the portion of the locally produced broadcasting program of the internet multi media broadcasting contents operator registered or approved by the evidence of para.2 of article 16 and para.1 of article 18, it follows the item3, para. 1 of article 57 for the 「Broadcasting act implementing rule」. In this case, “Broadcasting operator” is seen as the “ internet multi media broadcasting contents operator who is reported or registered or approved according to the evidence and part of para. 2 of article 18. (excludes ones who reported according to item 2 and 3, para. 1 of article 16)

⑤ For the formation of externally produced broadcasting program of the internet multi media broadcasting contents operator, it follows the article 58 of 「Broadcasting act implementing rule」. In this case, “Broadcasting operator” is seen as the “ internet multi media broadcasting contents operator who is reported or registered or approved according to the evidence and part of para. 2 of article 18. (excludes ones who reported according to item 2 and 3, para. 1 of article 16).

⑥ For the broadcasting commercials of the internet multi media broadcasting contents operator, it follows the article 59 of 「Broadcasting act implementing rule」 and for the permitted scope of the broadcasting commercial of the internet multi media broadcasting contents operator who is who is reported or registered or approved according to the evidence and part of para. 2 of article 16 and para.1 of article 18, it follows the item2, para. 2 article 59 of the 「Broadcasting act implementing rule」. In this case, “Broadcasting operator” is seen as the “ internet multi media broadcasting contents operator who is reported or registered or approved according to the evidence and part of para. 2 of article 18. (excludes ones who reported according to item 2 and 3, para. 1 of article 16).

⑦ For the cooperation notification of the internet multi media broadcasting contents operator, it follows the article 60 of the 「Broadcasting act implementing rule」. In this case, “Broadcasting operator” is seen as the “ internet multi media broadcasting contents operator who is reported or registered or approved according to the evidence and part of para. 2 of article 18. (excludes ones who reported according to item 2 and 3, para. 1 of article 16).

⑧ For the measures for securing general watching rights of the internet multi media broadcasting contents operator, it follows the rules of 3 of article 60 to the 6 of article 60 of the Broadcasting act implementing rule. In this case, “Broadcasting operator” is seen as the “ internet multi media broadcasting contents operator who is reported or registered or approved according to the evidence and part of para. 2 of article 18. (excludes ones who reported according to item 2 and 3, para. 1 of article 16). .

⑨ For the re-transfer of the internet multi media broadcasting operator, it follows the article 61 of the 「Broadcasting act implementing rule」. In this case, the “General cable broadcasting operator and televising cable broadcasting operator” is seen as “internet multi media broadcasting offerer”.

⑩ For the approval of local re-transfer of foreign broadcasting operator through the internet multi media broadcasting offerer, it follows the 3 of article 61 of the 「Broadcasting act implementing rule」 (it excludes A part of item1 of para2). In this case, “Broadcasting operator” and “General cable broadcasting operator and satellite broadcasting operator” is seen as “internet multi media broadcasting offerer” respectively.

Article 21(donation of operator) ① The Broadcasting and communication committee can have the internet multi media broadcasting offerer donate to the broadcasting development fund under article 36 of 「Broadcasting act 」 according to para. 1 of article 23. However, up till 3years have passed after the internet multi media broadcasting offering business is approved, it is not the case.

② The donation fund according to para1 is stated by the broadcasting and communication committee on a certain rate by considering the financial status of the internet multi media broadcasting offerer, number of members and public interest of the business within the scope of 6/100 of the sales amount that occurred from internet multi media broadcasting offering business.

③ The internet multi media broadcasting offerer should submit the data needed in calculating the donation according to the para.2 to the broadcasting and communication committee.

④ When the broadcasting and communication committee wants to impose the donation calculated by para1 and 2, it should send the payment amount, payment period and payment party of the donation to the internet multi media broadcasting offerer.

⑤ The internet multi media broadcasting offerer that received the notification according to the para.4, should pay the donation to the payment party appointed by the broadcasting and communication committee within the payment period.

⑥ Matters needed in calculating and imposing the donation other than the ruled matters from para.1 to para5 is to be stated by the broadcasting and communication committee and to be notified.

Article22(cancellation of approval etc) ① The cancellation of approval and standard for business suspension according to para.1 of article 24 is as the following table 4.

② When the cancellation of approval or suspension of business is done according to the para.1 of article 24, broadcasting and communication committee should notify the fact in paper to the internet multi media broadcasting offerer.

Article 23(Surcharge) ① "Sales amount" from para.1 of article 25 means the sales according to para1. of article 13.

② When the amount of the surcharge is decided, the broadcasting and communication committee should consider the level and number of the violation.

③ The type of violation and amount of surcharge according to para.1 of article 25 is as the following table 5.

④ For the imposition and payment of surcharge according to para.1 of article 25, it follows article 14.

Article24 (Imposition of fine) The imposing standard of the fine according to para.1 of article 28 is as following table 6.

Supplementary rules <#20968,2008.8.12>

This rule is to be implemented from the day it was announced.

Table1 Scores for approval inspection matters (related to para. 4 of article 2)

Inspection matters	Score
1. Public responsibility of broadcasting · fairness · feasibility of public interest	80
2. Adequacy of contents supplying plan and contribution on the industry development for broadcasting visuals	100
3. Adequacy of securing plans for fair competition at the broadcasting market	80
4. Adequacy of management plan for organization and resource operation	80
5. Financial ability	80
6. Technological ability and adequacy of facility plan	80
Total	500

Table 2 Cap amount and calculation criteria of surcharge according to types of violation (related to para.2 of article 13)

1. Cap amount of surcharge imposition according to type of violation

- A. Conducts that goes into item1 and 2 and 4, para1. article 17 : less than 10/1000 of the sales amount
- B. Conducts that goes into item3, para.1 article 17 : less than 15/1000 of the sales amount
- C. Conducts that goes into item5 to 7, para1 article 17 : less than 20/1000 of the sales
- D. When there is no sales or hard to calculate sales amount : less than 0.5 billion won

2. Calculation process and standard of surcharge

A. Calculation stage for surcharge

Surcharge is to consider the reason according to para.2 of article 17 and whether the violation affects the major influence, effects that goes through related markets, mandatory weight on the basic amount, additional weight, reduction and then calculate it.

B. Calculation method according to the surcharge calculation stage and reason to consider

1) Calculation of standard amount

A) The standard amount is to multiply the sales amount(stated as "related sales amount" hereafter) for the service which directly or indirectly is influenced by the violation during the period when the internet multi media broadcasting offerer violated to the imposing rate of B) and should not exceed 2/100 of the related sales amount.

B) Imposing rate should be divided by the level of magnitude according to the content and level of violation as follows.

Level of magnitude	Imposed rate
Very serious violation	1% ~ 2.5%
Serious violation	0.5% ~ 1%
Not serious violation	0.5% 이내

C) When calculating related sales amount, the violation period should be the day of the violation to the end of the violation and related sales amount is to be based on accounting data such as sales report etc.

D) When there is no related sales amount or is hard to calculate related sales amount, it calculates the standard amount according to the level of

magnitude and consider accounting data such as financial statements of the internet multi media broadcasting offerer and similar task offerer along with sales status data such as the number of members and rate etc, with past performance and business plan and market status and calculate it. In this case, when the calculated standard amount is more than 0.5 billion won, it is to be 0.5 billion won.

2) Mandatory weight

A) Considering the term and number of the violation and adding the weighted amount within 50/100 of the standard amount to the standard amount and by comparing the amount that was acquired due to violation, the higher amount is to be the amount calculated by mandatory weight.

B) The term of the violation is divided into short term · mid term · long term and when the violation continues, it is to be weighted in proportion to the number of the violations.

3) Additional weight · reduction

Considering how the violation affect the related markets such as whether the violation takes the major role, whether violation was on purpose and its guilt, whether it cooperated on the violation survey, continuous or enhanced violation during the survey on violation, changes in market share or number of members due to violation, it is to be added or reduced within the 50/100 of the amount that went through mandatory weight.

3. Detailed standard

Detailed consideration such as standard amount, mandatory weight, additional weight and reduction for each stage along with detailed standard for weight and reduction with detailed matters of imposing surcharge is to be stated by the broadcasting and communication committee and to be announced.

Table3 Type and standard of prohibitive conduct (related to para.1 of article 15)

1. Conduct of rejecting service

The prohibitive conducts of item1, para.1 article 17 is to fall in one of the following items.

- A. Conduct of rejecting the internet multi media broadcasting service usage request of a specific user at a certain business region of the internet multi media broadcasting offerer without any reasonable reason such as lack of facility
- B. Conduct of rejecting the supply of specific service to a specific user without any reasonable reason
- C. Conduct of suspending the offering of internet multi media broadcasting service or terminating the article of using without a reasonable reason and even though one does not fall into the reason stated in the article of using such as payment delay
- D. Conduct of rejecting the offering of only the internet multi media broadcasting service when the internet multi media broadcasting service is bundled with the electric communication task and sold without any reasonable reason

2. Offering other service outside of the article of using or charging using rate

Prohibitive conduct is to fall in one of the following items according to item2, para.1 of article 17.

- A. Conduct that significantly hinders the benefit of users by offering service that is not in line with the ones in the article of using
- B. Conduct that significantly hinders the benefit of users by charging rate not in line with the ones in the article of using
- C. Conduct that significantly hinders the benefit of users by not checking the intention of the user to take the service and offering the service

3. Wrongful misuse of the user information

Prohibitive conduct of item3, para.1 article 17 falls into one of the following items.

- A. Conduct that wrongly discloses the information of the user acquired during the internet multi media broadcasting service offering or offer it to a 3rd party
- B. Conduct that uses the user information in one's sales activity acquired during the internet multi media broadcasting service offering

4. Wrongful Discrimination on user

Prohibitive conduct according to item4, para.1 article 17 falls into one of the following items.

- A. Conduct that discriminates a user by offering or proposing a advantage or disadvantage in terms for the using rate, using conditions and using device of the internet multi media broadcasting service

- B. Conduct that discriminates a specific user and signs a contract which is based on significant disadvantages in terms of using rate or using terms such as offering discriminated service on purpose to specific users or omitting the sales record etc
 - C. Conduct that offer internet multi media broadcasting service at a using rate or using term with advantages by discriminating users who uses only the internet multi media broadcasting service when the internet multi media broadcasting service is sold in bundles with other electric communication tasks or broadcasting tasks.
5. Misusing superior status over the internet multi media broadcasting contents operator
Prohibitive conducts according to item5, para.1 article 17 falls into one of the following items.
- A. Conduct that force a significant disadvantage in the contract to the internet multi media broadcasting contents operator by limiting the damage compensation responsibility of the internet multi media broadcasting contents operator or limiting the termination right of the internet multi media broadcasting contents operator using its superior status
 - B. Conduct that make the internet multi media broadcasting contents operator reject the contents supplying contract with other internet multi media broadcasting contents operators or to make a discriminating contract using its superior status
 - C. Conduct that demands a significantly wrong profit distribution or a excessive profit far from the normal practice or to suffer a significant loss to the internet multi media broadcasting contents operator using its superior status
6. Hindering the business of other broadcasting operator
Prohibitive conducts according to item6, para.1 article 17 falls into one of the following items
- A. Conducts that hinders the service offering in a wrong way such as damaging the facility or device of the internet multi media broadcasting contents operator in order to hinder the service usage of other internet multi media broadcasting contents operators
 - B. Conducts that hinders the service contract between the internet multi media broadcasting contents operator and users through delaying the entry transfer, wrongful solicitation, offering excessive benefits etc in order to hinder the service usage of other internet multi media broadcasting contents operators
 - C. Conducts that hinders the service offering contract by offering wrong information of using rate, using terms, service quality etc for the internet multi media broadcasting service of other internet multi media broadcasting contents operators or one's own internet multi media broadcasting contents operator.
 - D. Conduct that makes an exclusive contract which wrongfully excludes the offering

of the internet multi media broadcasting service of the user and other internet multi media broadcasting contents operators

7. Rejecting, suspending and limiting the use and access of mandatory electric communication facility

Prohibitive conducts according to item7, para.1 article 17 falls into one of the following items.

- A. Conducts that reject the discussion or contract making or not implementing the contract without any reasonable reason when other internet multi media broadcasting contents operator requested the use or access of the mandatory electric communication facility needed in offering the service
- B. Conduct that blocks or limit the use of the electric communication facility used by other internet multi media broadcasting operator by the contract without any reasonable reason
- C. Conduct that limits the use or access of the electric communication facility by offering a differential price or using terms used by other internet multi media broadcasting operator which uses the electric communication facility without any reasonable reason

Table 4 Criteria for cancellation of approval etc(related to para.1 of article 22)

1. Normal standard

- A. When there is more than two violations and when it has different criteria for sentence, it follows the more severe sentence and when more than two sentence is of suspension of business, it should add the suspension term respectively but should not exceed the total business suspension period of 1 year.
- B. When for suspension of business, the broadcasting and communication committee can consider the level of its violation and can sentence partial suspension for a certain period of suspension time.
- C. When the violation falls into the suspension of business, the broadcasting and communication committee can consider the level and number of violations and can add or relieve within 1/2 of the business suspension period. However, when it is added, the total suspension period cannot exceed 1 year.

2. Individual standard

Violation	Related rules	Sentenced criteria
1. When one gets approved wrongly or through other wrong way	Article 24 para.1 item1	Cancellation of approval
2. When one did not start business within 1 year from the approval day or has suspended business for over 1 year	Article 24, para.1 item 2	Cancellation of approval (연 새 acts of God or through other reasonable reason, suspension of business for 6 month)
3. When one did not execute the order according to para. 2 of article 10	Article 24, para.1 item 3	suspension of business for 6 month
4. When one did not execute the order according to para. 2 of article 13	Article 24, para.1 item 3	suspension of business for 3 month

Table5 Surcharge according to type of violation (related to para.3 of article 23)

V i o l a t i o n	Related rule	S u r c h a r g e
1. When the business has not started within 1 year from the approval date or has suspended business for over 1 year	Article 25, para. 1	20/1000 of the sales amount according to para. 1 of article 13
2. When one did not execute the order according to para.2 of article 10	Article 25, para. 1	15/1000 of the sales amount according to para. 1 of article 13
3. When one did not execute the order according to para. 2 of article 13	Article25, para 1	10/1000 of the sales amount according to para.1 of article 13

Table 6 Imposing standard of fines according to the type of violation (related to article 24)

V i o l a t i o n	Related rule	F i n e
1. One who did not submit the document according to para. 4 of article 12	Article 28, para.1 item 1	10million won
2. One who did not report according to the usage article of para.1 of article 15 or did not get the approval for usage fee and offered internet multi media broadcasting business	Article 28, para.1 item 2	10million won
3. One who did not submit the document according to para.2 of article 15	Article 28, para.1 item 3	5million won
4. One who did not take measures on protecting the information of users according to para.2 of article 16	Article 28, para.1 item 4	10million won
5. One who did not report according to article 22	Article28, para. 1, item5	5million won
6. One who did not implement orders according to article 26	Article28, para.1, item6	10million won