

25. Sector:

Digital Audio or Video Services

Obligations Concerned:

National Treatment (Articles 8.3 and 9.2)

Most-Favoured-Nation Treatment (Articles 8.4 and 9.3)

Performance Requirements (Article 8.8)

Local Presence (Article 9.5)

Description:

Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure to ensure that, upon a finding by the Government of Korea that Korean digital audio or video content or genres thereof is not readily available to Korean consumers, access to such content is not unreasonably denied to Korean consumers. With respect to digital audio or video services targeted at Korean consumers, Korea reserves the right to adopt or maintain any measure to promote the availability of such content.

A measure adopted or maintained pursuant to the paragraph above shall be implemented in accordance with Chapter Nineteen (Transparency) as applicable, be based on objective criteria, and be no more trade-restrictive or burdensome than necessary.

For the purposes of this entry, “digital audio or video service” means a service that provides streaming audio content, films, or other video downloads or streaming video content regardless of the type of transmission (including through the Internet), but does not include broadcasting services as defined by the *Broadcasting Act* or subscription-based video services as defined in the 20th entry in this Annex.

For greater certainty, this entry is without prejudice to the scope and application of Article 22.6 (Cultural Industries).