

1-1-2014

A Possibility of the Korean Wave Renaissance Construction Through K-Pop: Sustainable Development of the Korean Wave as a Cultural Industry

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Recommended Citation

Yeojin Kim, *A Possibility of the Korean Wave Renaissance Construction Through K-Pop: Sustainable Development of the Korean Wave as a Cultural Industry*, 36 HASTINGS COMM. & ENT. L.J. 59 (2014).

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A Possibility of the Korean Wave Renaissance Construction Through K-Pop: Sustainable Development of the Korean Wave as a Cultural Industry

by YEOJIN KIM*

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I. Introduction

Mankind has built civilizations through exchange and communication. Human history involves everything from barter in the ancient times to the exchange of new technologies across cultures in modern day. In the past, it took a long time for a trend to flow into another country. Nevertheless, the Information Technology (“IT”) Revolution that occurred near the end of the twentieth century promoted habitual exchange among civilizations.¹ With the birth of the “digital road” that transcends time and space, the paradigm for exchange has changed drastically.²

In the era of the “digital road,” Korean popular music (“K-Pop”) has disseminated into every part of the world. In fact, South America, the farthest continent from Korea, goes wild for K-Pop, and the craze moves on to other continents naturally. Without Koreans having to recommend K-Pop, if listeners of K-Pop around the world believe that K-Pop has some charm, they absorb the trend and pass the music on to others. It has now come to the point where government agencies, the press, and entertainment management companies do not need to promote K-Pop because foreigners are consuming K-Pop feverishly on their own.

Nowadays, people are sharing K-Pop on YouTube, Twitter, Facebook, and other Social Networking Services (“SNS”).³ Thanks to the help of such SNS sites, on July 15, 2012, a momentous event in K-Pop occurred: Psy introduced his new song “Gangnam Style” and his song became the most searched music on YouTube. In two months, his music video obtained two hundred million views.⁴ His success continued as his song was ranked first in the iTunes charts of eighteen different countries.⁵

1. Alan Greenspan, The Revolution in Information Technology, *Asia Times: Global Economy*, (Mar. 8, 2000), <http://www.atimes.com/global-econ/BC08Dj01.html>.

2. Comparing the digital road that is the information circulated channel through computer system with the Silk Road.

3. Korean Culture and Information Service, K-Pop: A New Force in Pop Music, *2 Korean Culture* 9, 42 (Nov. 2011), www.korea.net/Resources/Publications/About-Korea/view?articleId=2217# (“[As] social networking services (‘SNS’) hit the mainstream and enabled people to share music, photos, and videos globally, K-Pop began spreading rapidly among people seeking something new and different.”).

4. As of June 29, 2013, the music video for “Gangnam Style” has been viewed over one billion times on YouTube. Gangnam Style Official Music Video-2012 PSY with Oppan Lyrics, YouTube, www.youtube.com/watch?v=mIQToVqDM68 (last visited Oct. 18, 2013).

5. Psy iTunes Chart No.1 in 18 Different Countries!, *KPopStarz* (Sept. 15, 2012), available at <http://www.kpopstarz.com/articles/14126/20120915/psy-no-1-on-itunes-in-18-countries.htm>.

What is the significance of the “digital road” generation for twenty-first century South Korea? Korean culture, including K-Pop, which utilizes digital mediums as methods of dissemination, is reaching almost every corner of the world.⁶

Dutch cultural historian and anthropologist Johan Huizinga (1872–1945) noted that humans (*Homo sapiens*) think and work (*Homo faber*), but it is almost instinctual for humans to enjoy entertainment (*Homo ludens*, meaning “Man, the player”).⁷ Plays and traditional festivities exist in every country in some way. Deeply rooted traditions of plays and festivities make Korea different from other countries.⁸ The recent and explosive popularity of Korean idol groups can be said to be related to the prolonged tradition of entertainment culture in Korea. K-Pop was particularly successful in both domestic and international music markets due to the training that K-Pop musicians and idols undergo. The training is rigorous and requires many hours of practice.⁹ Entertainment management companies devise thorough strategies according to the tastes of local markets, and artists and companies utilize SNS—such as YouTube, Twitter, and Facebook—for marketing and distribution methods.¹⁰ This note will analyze the current trend of K-Pop in global society and the necessary legal foundations for the continuous development of K-Pop.

In Part II, the recent trends of K-Pop and the Korean Wave will be examined. In addition, the development of the Korean Wave¹¹ and regional trends will be introduced.

In Part III, K-Pop and the Korean Wave will be defined, the reasons for their success will be analyzed, and the political and cultural significance of the dissemination of the New Korean Wave will be discussed.

In Part IV, the obstacles to the development of K-Pop will be introduced, and in Part V, policy proposals and tasks for the continuous

6. Korean Culture and Information Service, *supra* note 3, at 15.

7. JOHAN HUIZINGA, NATURE AND SIGNIFICANCE OF PLAYAS A CULTURAL PHENOMENON 96 (reprinted *Homo Ludens; A Study of the Play Element in Culture* (1955), by permission of BEACON PRESS), <http://www.thinkingtogether.org/rcream/archive/gaming/Huizinga.pdf>.

8. Cheongi Jung, *Custom of Ancient Ballad Dance, The Root of K-Pop Fever*, HANKOOKILBO NEWS, Apr. 16, 2012 (citing the “Discussion of Cultural Contents and Story” written by Prof. Taesang Park).

9. Korean Culture and Information Service, *supra* note 3, at 39.

10. *Id.* at 38.

11. See Mark Ravina, *Introduction: Conceptualizing the Korean Wave*, 31 SE. REV. ASIAN STUDIES 3–9 (2009). The Korean Wave *Hallyu* is a neologism which refers to the rapid growth in popularity of South Korean culture since the late 1990s. *Id.* The term was originally coined in mid-1999 by journalists from Beijing, who were surprised by China’s growing appetite for South Korean cultural exports and referred to the phenomenon as “*Hánliú*” (韓流), which literally means “Flow of Korea.” *Id.*

development of K-Pop will be offered. The conclusion of this study will be in Part VI.

II. Recent Trend of the Korean Wave and K-Pop

A. Appearance and Development of K-Pop

Regarding music and the Korean Wave, Sobangcha's (Fire Truck) first album *Yesterday's Story* released in 1987, was not enough to be called the precursor of the Korean Wave, despite its immense popularity in Japan.¹² With its attractive performances, *Sobangcha* is said to be the prototype of "idol groups" in Korea.¹³ Despite its popularity, the distribution of Korean popular music was not well developed at the time and Korean music distributors were not able to meet the high demand.¹⁴ At the time, the term "K-Pop," was nowhere close to being coined.

In the late 1990s, HOT, NRG, Baby Vox, and other idol groups appeared and sparked the heat for K-Pop in China, Taiwan, and other Southeast Asian countries.¹⁵ Afterwards, the second generation of idol groups, including GOD, Jiyoun Park, Junghyun Lee, and Shinhwa, continuously debuted and produced many hits in Southeast Asia, and developed the craze for Korean pop music.¹⁶ As HOT, NRG, Sechskies, Baby Vox, and the relevant idol groups gained popularity in China, there was a boom in demand for Korean music, which subsequently increased the awareness for Korean music in various parts of Asia.¹⁷

In the mid-2000s, Rain, BoA, Hyori Lee, Ivy, and other Korean solo artists rose to success and received international recognition.¹⁸ It was during this period that the word "K-Pop" first appeared. K-Pop is an abbreviated form of "Korean popular music," and "is a musical genre that incorporates a variety of styles, including pop, hip-hop, rap, rock, R&B, and electronic music."¹⁹ With the increased demand of Korean music, foreign television channels started broadcasting K-Pop artists' music

12. Huh Won-Jae, *2011 Hallyu-eui-dong-hyang-gwa-bal-jeon-bang-hyang-Eum Ak*, [2011 Trends of Korean Wave and Direction of Improvement-Music], Paper presented at the 2011 Government Audits, Seoul, Korea.

13. *Id.* at 2.

14. *Id.*

15. *Id.*

16. *Id.*

17. *Id.*

18. Cristina Kang, *A Letter of a Korean VIP*, BIGBANGISFOREVER (Aug. 17, 2012), <http://bigbangisforever.wordpress.com/2012/08/17/a-letter-of-a-korean-vip/>.

19. Sarah Leung, *Catching the K-Pop Wave: Globality in the Production, Distribution, and Consumption of South Korean Popular Music*, Vassar College Senior Capstone Projects Paper 149, 2-3 (2012).

videos.²⁰ BoA succeeded tremendously in the Japanese music market despite the Japanese market's tendency to exclude Korean music in an effort to be stabilized without the influx of foreign music.

In the late 2000s, the interest for K-Pop grew among teenagers with the emergence of numerous idol groups including Dong Bang Shin Ki ("DBSK), Big Bang, Girl's Generation, Kara, 2NE1, Wonder Girls, Super Junior, and Shinee.²¹ The Korean Wave, which used to be centered on movies and dramas, was now centered on K-Pop, starting the "new" Korean Wave.²² The new Korean Wave refers to the new cultural paradigm that has now reached Europe and South America.²³

As such, K-Pop, which has continuously grown for more than ten years now, is approaching a period of stability. The reason for that is a variety of people around the world are devoted to and fascinated by Korean music. Then, what are the recent trends and expected developments in the future? Rain received the spotlight in the American music market, marking the first time a Korean pop star gained global interest, and Psy's appearance can be appraised as achieving the peak of K-Pop. Nevertheless, the success of Rain, BoA, and Psy is merely the beginning of K-Pop; the artists cannot be considered paradigms. This is because it is not only impossible to predict the exact route of diffusion of the new Korean Wave, but it is also pointless to anticipate until when and to what point K-Pop will develop as of right now.

B. Recent Trends and Issues

1. Recent Trends of the New Korean Wave

Shinee's single, *Replay*, obtained second place in the Oricon Singles Chart on the day it was released in Japan in June 2011.²⁴ Even though it was a debut single, shipments reached over 120,000 CDs.²⁵ Of all the male

20. Patricia Liu, *Roundtable: K-Pop Around the World*, SEOULBEATS (Apr. 13, 2012), available at <http://seoulbeats.com/2012/04/roundtable-k-pop-around-the-world/>.

21. See Ravina, *supra* note 11, at 7. In summer 2009, the Korean band Wonder Girls began touring the United States as an opening act for the American band Jonas Brothers. *Id.*

22. Thao Emilie Do, *Emergence of the Korean Popular Culture in the World*, International Business Program Thesis 23 (2012).

23. The "Korean Wave" (*Hallyu*) ranges from television dramas, movies, popular music (K-pop), dance (B-boys), and to a lesser extent video games, food, fashion, tourism, and language (Hangul). See Gunjoo Jang & Won K. Paik, *Korean Wave as Tool for Korea's New Cultural Diplomacy*, 3 *Advances in Applied Sociology* 196, 196-202 (Sep. 2012), www.scirp.org/journal/PaperInformation.aspx?paperID=22229.

24. Kim Won Gyeom, *SHINee Ranked 2nd on the Oricon Single Chart with Their Japanese Debut Single! Over 120,000 Copies to be Sold!* SPORTS DONG-A, June 23, 2011, <http://sports.donga.com/3/all/20110623/38251591/1>.

25. *Id.*

Korean idol groups that debuted in Japan, Shinee was the first group to receive a gold album with its debut single.²⁶

Keun Seok Jang was named “Post-Yong Joon Bae,” and enjoyed popularity in Asia.²⁷ His debut single *Let Me Cry* reached first on the weekly charts in Japan.²⁸ Not only that, according to the 2011 Oricon First Semester Rankings, Girl’s Generation ranked first as the artist with the most total sales, earning 2.6 billion South Korean won, (hereinafter won, this amount converts to roughly \$2.45 million American dollars with a conversion rate on Oct. 20, 2013, of \$1 American dollar to 1062.35 South Korean Won).²⁹

As soon as the Korean television drama *Dream High* went off the air, it was sold at a premium price in sixteen countries in Asia.³⁰ This drama was enough to show the popularity of Korean idol groups, including 2PM and Miss A, who made appearances in the show as main characters.

In contrast to Asia, where the popularity of K-Pop is at its zenith, Europe is considered to be the wasteland of K-Pop to many people. But in July 2011 in Le Zénith de Paris, artists from SM Entertainment had their first concert, “SM Town Live in Paris.”³¹ It was the first concert for Asian musicians in Europe.³² In order to see this performance, 1,400 European fans gathered at a Paris airport, to the point where police forces had to be deployed.³³

Furthermore, Wonder Girls once adorned the main page of America’s Billboard website.³⁴ They were nominated as one of the “21 under 21” and had their own performance on “Mashup Mondays,” an opportunity for new singers to show off their musicality.³⁵ Billboard is a specialized music channel that only allows American and English artists or global pop stars to

26. *Id.*

27. Huh, *supra* note 12, at 3.

28. Lee Hyun-Jae, *Jang Geun-Suk Tops Japan’s Oricon Chart*, THE KOREA HERALD, June 6, 2012, available at <http://www.koreaherald.com/view.php?ud=20120606000441>.

29. Huh, *supra* note 12, at 3.

30. *Id.* at 4.

31. Lois Lane, *Popular French Newspaper ‘Le Monde’ and ‘Le Figaro’ Reports on SMTOWN Concert in Paris!*, FACEBOOK (June 10, 2011), www.facebook.com/SMTOWN.

32. Chung Ah-young, *K-pop Takes European Fans by Storm*, KOREA TIMES, May 2, 2011, http://www.koreatimes.co.kr/www/news/art/2012/05/201_88765.html.

33. Huh, *supra* note 12, at 4.

34. Lee Hyo-Won, *Wonder Girls Tops 2009 US Singles Chart*, KOREA TIMES, Jan. 4, 2012, http://www.koreatimes.co.kr/www/news/special/2010/01/178_58414.html.

35. “Mashup Mondays” is a corner of Billboard online that allows fans to vote on songs for their favorite musicians to perform live. *Mashup Mondays*, BILLBOARD, www.billboard.com (last visited Oct. 25, 2013).

be introduced.³⁶ Wonder Girls' appearance on Billboard is a product of the competition with other American pop stars because Billboard, not K-Pop or international album charts, praised Wonder Girls as a talented rising group. Their abilities to interview and perform in English and interact with American fans prove that they are active and competitive in the local music market.

2NE1's second mini album achieved fourth place in the world album chart only a day after its release on August 3, 2011.³⁷ This was the second time 2NE1's album rose to the top ten world album chart; the first was in October, 2010 when 2NE1 released its first album.³⁸ Furthermore, 2NE1 ranked thirty-fourth place with its second mini album on Billboard's "Hidden Seekers Album Chart," which is a chart for new artists.³⁹ Even though 2NE1 failed to be ranked in the main chart of Billboard, "Billboard 200," the fact that the group managed to obtain such results without a single experience in America and public appearance beforehand was impressive. Such achievements were a result of foreign fans' online support through SNS such as YouTube and Twitter.⁴⁰

Nevertheless, such success stories of Korean idol groups were left out in the cold after Psy obtained many Guinness world records with the release of his sixth album.⁴¹

2. *Anti-Korean Wave*

With the spread of the New Korean Wave, an anti-Korean Wave surfaced. As more news reports and TV shows about the New Korean Wave aired, opposition grew and there have been public demonstrations against the New Korean Wave.^{42,43} In fact, about 500 people participated

36. Billboard first published the Easy Listening chart July 17, 1961, with twenty songs. See Gary Trust, *Vanilla Is Licking the Competition*, BILLBOARD, July 23, 2011, at 123.

37. Huh, *supra* note 12, at 5.

38. *Id.*

39. *Id.*

40. *Top Music Agency Head Lauds SNS for K-Pop Boom*, KOREA TIMES, Nov. 23, 2011, www.koreatimes.co.kr/www/news/culture/2013/08/143_99364.html (citing "Korean Wave" is fast spreading across the world through SNS, such as YouTube and Facebook).

41. *PSY Receives Guinness World Records Certificate for Gangnam Style*, GUINNESS WORLD RECORD NEWS, Nov. 8, 2012, www.guinnessworldrecords.com/news/2012/11/psy-receives-guinness-world-records-certificate-for-gangnam-style-45809/.

42. Seiko Yasumoto, Univ. of Sydney, *The Impact of the "Korean Wave" on Japan: A Case Study of the Influence of Trans-Border Electronic Communication and the Trans-National Programming Industry*, presented at Sixteenth Biennial Conference of the Asian Studies Association in Wollongong, June 26, 2006, <http://coombs.anu.edu.au/SpecialProj/ASAA/biennial-conference/2006/Yasumoto-Seiko-ASAA2006.pdf> ("The relations between Japan and Korea have historically been bleak." "Two nations have been stood against frequent periods of

in the demonstration against the Korean Wave broadcast on Japan's Fuji TV, and 120,000 people watched the demonstration video online.⁴⁴

Although European media outlets report on the popularity of K-Pop, they have a tendency to refrain from mentioning the artistry and the musicality of K-Pop.⁴⁵ After the SM concert in Paris, the two prominent French daily newspapers, *Le Monde* and *Le Figaro* stated "K-Pop idol groups that visited France are products of the plans of entertainment management companies and the cultural export policies of the Korean government."⁴⁶ England's public broadcasting network BBC has also criticized the success of K-Pop as the product of slave contracts, which are long-term, unfair, and exclusive contracts.⁴⁷ BBC has also pointed out that "since it is impossible to make up for the investments of a billion Won per idol group in the Korean music market, entertainment management companies are now targeting foreign music markets."⁴⁸

C. Regional Trends

1. France

In France, the boom for K-Pop is in its early stage and fans for K-Pop and the New Korean Wave are starting to appear one by one. The two SM Town concerts that took place in July 2011 in a venue seating 7,000 sold out in only fifteen minutes and ten minutes, respectively.⁴⁹ There was also an incident where 1,500 fans congregated in the airport to see the SM

political and military hostility, compounded by the fact that Korea is on the Asian mainland and was the obvious route for invasion of Japan by expansionist Chinese regimes in the past.").

43. Mark Mackinnon, *A Black Sun Rises in a Declining Japan*, THE GLOBE AND MAIL (Oct. 5, 2010), www.theglobeandmail.com/news/world/a-black-sun-rises-in-a-declining-japan/article1215080/; Martin Fackler, *A New Wave of Dissent in Japan is Openly and Loudly Anti-Foreign*, N.Y. TIMES, Aug. 28, 2010, www.nytimes.com/2010/08/29/world/asia/29japan.html?pagewanted=all&_R=0 ("Though some here compare these groups to neo-Nazis, sociologists say that they are different because they lack an aggressive ideology of racial supremacy, and have so far been careful to draw the line at violence. . . . There have been no reports of injuries, or violence beyond pushing and shouting. . . . Rather, the Net right's main purpose seems to be venting frustration, both about Japan's diminished stature and in their own personal economic difficulties.").

44. *Anti-Korean Wave in Japan Turns Political, Hundreds Rally in Front of Fuji TV to Protest Korean Dramas. Is This the Turning of the Tide?*, CNN (Aug. 9, 2011), travel.cnn.com/seoul/life/anti-korean-wave-japan-turns-political-141304.

45. Huh, *supra* note 12, at 6.

46. Sébastien Falletti, *La Vague Coréenne Déferle Sur le Zénith*, LE FIGARO (Sept. 6, 2011), www.lefigaro.fr/musique/2011/06/09103006-20110609ARTFIG00465-1a-vague-coreenne-deferle-sur-le-zenith.php.

47. Lucy Williamson, *The Dark Side of South Korean Pop Music*, BBC NEWS, June 14, 2011, <http://www.bbc.co.uk/news/world-asia-pacific-13760064>.

48. *Id.*

49. Huh, *supra* note 12, at 7.

Town artists arrive and thirty airport police and bodyguards had to be dispatched to control the crowd.⁵⁰ The highlights of SM Town in Paris uploaded on the SM YouTube channel recorded about 3.28 million views in just two days.⁵¹ The popularity of K-Pop received the attention of European media as European fans of the Korean Wave became more noticeable after the SM concert in Paris.⁵² Fans for SM Town asked for additional concerts through demonstrations and flash mobs in front of the Louvre and through online petitions.⁵³ The petition received about 4,300 signatures, and demonstrations by French K-Pop fans increasingly became an issue.⁵⁴

2. *United Kingdom*

Specific K-Pop performances have not been carried out in London, but some K-Pop stars have started to organize showcases.⁵⁵ *Shinee* had a showcase performance at Abbey Road Studio, where only top singers such as the Beatles, Stevie Wonder, and Rod Stewart performed.⁵⁶ Even though it was a closed showcase that lasted for only thirty minutes, the demand for tickets was so high that the fashion magazine, *ELLE U.K.*, had to have a lottery among its readers for forty tickets.⁵⁷ Even though the showcase took place in England, it was widely broadcasted in Japan across six different Japanese sports channels (Sports Hochi, Chunichi Sports, Sankei Sports, Sports Nippon, Sports Nikan, and Daily Sports).⁵⁸

3. *South America*

Even though K-Pop artists do not actively perform in South America, there is an increased demand for Korean pop artists.⁵⁹ 2NE1 is especially popular in South America with its unique style, and consequently, there are

50. Lane, *supra* note 31.

51. Huh, *supra* note 12, at 7.

52. Julyssa Diaz, *SM Town in Paris 2011*, YAM MAGAZINE BLOG (June 16, 2011), available at www.yam-mag.com/reviews/event-reviews/sm-town-in-paris-2011/.

53. Patricia Liu, *SMTown Thanks European Fans; Other International Fans Are Jealous?*, SEOULBEATS (July 14, 2011), available at <http://seoulbeats.com/2011/07/smtown-thanks-european-fans-other-international-fans-are-jealous/>.

54. Philippe Mesmer, *La Vague Pop Coréenne Gagne l'Europe*, LE MONDE (Sep. 6, 2011), www.lemonde.fr/culture/article/2011/06/09/1a-vague-pop-coreenne-gagne-l-europ_1534023_3246.html.

55. Huh, *supra* note 12, at 8.

56. Lee Sunghan, *Korean Boy Band Hits Abbey Road*, KOREA TIMES, June 20, 2011, http://www.koreatimes.co.kr/www/news/culture/2013/08/143_89237.html

57. *Id.*

58. *Id.*

59. Frederick McNulty, *Is K-Pop the Next British Invasion?*, THE COLLEGE VOICE, Mar. 5, 2012, available at <http://thecollegevoice.org/2012/03/05/is-k-pop-the-next-british-invasion/>.

many cover groups of 2NE1.⁶⁰ The YouTube video of numerous people dancing along to “Can’t Nobody” (2NE1’s song) in a Mexican club garnered much attention.⁶¹ The video gained so much attention because 2NE1 never participated in any official activities in Mexico.⁶² Influenced by the French demonstration in front of the Louvre Museum, Peruvians and Mexicans held festivals that included K-Pop flash mobs and cover dance contests.⁶³ Peru has been the most supportive of the New Korean Wave in South America as large-scale cover performances of SM Town have been held.⁶⁴ Cover groups gave vicarious satisfaction to foreign fans of K-Pop artists who have not performed in foreign countries.

4. Japan

In the past, Japan was the place of origin for idol groups but now, Japanese entertainment management agencies are copying Korean idol groups.⁶⁵ The Japanese market used to be closed off for Korean artists, but now there is a high demand. Korean idol groups are role models for Japan’s younger generation.⁶⁶ It is easy to spot cosplays of Korean idol groups among young people in Japan.⁶⁷ The achievements of K-Pop artists taking place in the few years during the late 2000s in the Japanese music market is amazing,⁶⁸ even to the Japanese. Japanese rightists and nationalists expressed hostility toward Korean popular culture with movements like *Kenkanryu* (anti-*Hallyu*),⁶⁹ because they believed that Japanese culture was being overtaken by inferior Korean culture.⁷⁰

Despite the conflicts with their agency, KARA’s new album in 2011 climbed to fourth in the Oricon charts as soon as it was released. KARA’s

60. 2NE1, *Girls’ Generation Male Dance Cover Compilation: Male Fans Celebrate Top K-Pop Girl Groups on the Dance Floor!*, KPOPSTARZ (Sept. 19, 2013), available at <http://www.kpopstarz.com/articles/42076/20130919/2ne1-girls-generation.htm>.

61. Huh, *supra* note 12, at 8.

62. *Id.*

63. Korean Culture and Information Service, *supra* note 3, at 51.

64. *Korean Wave*, THE DAILY OMNIVORE (Sept. 10, 2012), <http://thedailyomnivore.net/2012/09/10/korean-wave/>.

65. Huh, *supra* note 12, at 9.

66. Korean Culture and Information Service, *supra* note 3, at 36.

67. The term *cosplay* is a portmanteau of the English words *costume* and *play*. See Hank Stuever, *What Would Godzilla Say?*, WASH. POST, Feb. 14, 2000, at C01.

68. Patricia Liu, *Counterpoint: K-Pop In Japan: No Special Treatment*, SEOULBEATS (Jan. 23, 2012), <http://seoulbeats.com/2012/01/counterpoint-k-pop-in-japan-no-special-treatment/>.

69. The term anti-*Hallyu* simply means the anti-Korean Wave, but is derived from the idea of discrimination against other cultures. See *supra* text accompanying note 11.

70. Gyu Tag Lee, *De-Nationalization and Re-Nationalization of Culture: The Globalization of K-Pop*, (2013) (unpublished Ph.D. dissertation, George Mason Univ.) (on file with author).

new “penguin dance” was of interest even before the album was released.⁷¹ Girl’s Generation had the honor of selling over 500,000 CDs, and T-ara became top news in both Korea and Japan when they signed an exclusive contract of 350 million yen (4.7 billion won and \$3.57 million American dollars), the most money involved for any K-Pop in history, with J-Rock Management.⁷²

5. North America

Rain, BoA, Wonder Girls, and other K-Pop stars have continuously tried to penetrate the American music market, but they could not achieve the same results as they did in the Asian music market.⁷³ Nevertheless, they are still making numerous efforts to succeed in the American music market.⁷⁴ After it ranked seventh in the 2010 World Album Chart, 2NE1 became fourth in the 2011 World Album Chart, the second time it was ranked in the top ten of Billboard.⁷⁵ In 2011, the members of Wonder Girls were chosen as main characters for the TV movie “The Apollo” which was produced by Nick Cannon.⁷⁶ With his song “Gangnam Style,” Psy broke all the records previously set by other K-Pop stars.⁷⁷

With its high population of Korean Americans and Asian immigrants, the United States actually has the most Korean Wave fans outside of Asia.⁷⁸ Asian Americans account for 4% of the American population and of that 4%, 10.5% is Korean.⁷⁹ It is difficult to make inroads into the American music market with offline activities, but America has provided the biggest support for online activities.⁸⁰ SNS such as YouTube and Facebook have their bases in America.⁸¹ The reason Rain was one of the

71. Huh, *supra* note 12, at 9.

72. Korean Culture and Information Service, *supra* note 3, at 36–37.

73. See Ravina, *supra* note 11, at 6. The singer BoA produced a special version of her video “Eat You Up,” featuring more overtly sexual imagery than the domestic version. *Id.* Nonetheless, despite BoA’s success in Japan and Taiwan, she has yet to crossover in the United States. *Id.*

74. Huh, *supra* note 12, at 9.

75. *Id.*

76. Nickutopia Staff, “*The Wonder Girls*” Premieres on TeenNick February 2, 2012—*New Music!*, NICKUTOPIA, Jan. 13, 2012, www.nickutopia.com/2012/01/03/the-wonder-girls-premiers-on-teennick-february-2-2012-new-music/.

77. Nic Halverson, *Gangnam Style Shatters Guinness World Record*, DISCOVERY NEWS, Dec. 21, 2012, <http://news.discovery.com/tech/gangnam-style-shatters-guinness-world-record-121221.htm>.

78. Huh, *supra* note 12, at 10.

79. U.S. Census Bureau, *Profile America Facts for Features: Asian/Pacific American Heritage Month: May 2013*, CB12-FF.09 (May 27, 2013).

80. Huh, *supra* note 12, at 10.

81. Korean Culture and Information Service, *supra* note 3, at 42.

“TIME 100 Most Influential People in the World” is that the Asian population in America had great influence in the selection process.⁸²

Due to the popularity of K-Pop, recently K-Pop performances are held in dance schools and various dance contests.⁸³ The Canadian dance team “Groove Nation” won the Dance Cup held in the States by dancing to an eight-song medley of K-Pop songs.⁸⁴ Groove Nation is a K-Pop dance team with members of different race, sex, and age.⁸⁵ Their cover dance became a sensation on YouTube after they received over five million views in two weeks.⁸⁶ The choreographer of Groove Nation recently became interested in K-Pop, selected some songs, and was able to help the team win the competition in America.⁸⁷ A majority of the students did not know anything about K-Pop but they soon became addicted.⁸⁸ People started to ask Groove Nation to perform the medley after it won the competition, and the team is touring various places.⁸⁹

III. Definition of K-Pop and Its Reasons for Success

A. Characteristics of the Music Korean Wave

1. Definition of K-Pop

K-Pop refers to the Korean music genre that is sung and performed by idol groups and other singers.⁹⁰ One researcher pointed that “[t]he largely Anglo-American music industry, which dominates the global popular music industry, is often portrayed by writers on globalization as forms of cultural imperialism.”⁹¹ As a result, “local popular music is homogenized, displaced, and appropriated by the global music industry and its products, losing its ‘traditional’ representations.”⁹² Although K-Pop or Korean Pop

82. Megan Friedman, *Korean Pop Star Rain Wins TIME 100 Poll-Again*, TIME (Apr. 15, 2011), <http://newsfeed.time.com/2011/04/15/korean-pop-star-rain-wins-time-100-poll-again>.

83. Huh, *supra* note 12, at 10.

84. *Id.*

85. *Id.*

86. *Id.* Covers are done by groups or solo artists who imitate popular stars in their own performances. The characteristics of these cover groups are that they not only imitate the songs and dances of the celebrities, but they also follow the fashion and hair styles. Such cover groups also appear in France. The appearance of cover contents is due to the failure of cultural demands. Lee, *supra* note 70, at 136.

87. Huh, *supra* note 12, at 10.

88. *Id.*

89. *Id.*

90. Jang & Paik, *supra* note 23, at 198.

91. Lee, *supra* note 70, at 3.

92. *Id.*

was influenced by American cultural forms, it is considered a completely distinct genre of music because it has its own characteristics.⁹³

The New Korean Wave has its base on achievements such as Wonder Girls' YouTube hit with their song "Nobody," TVXQ's first place on the Oricon Charts, and Super Junior's popularity in China.⁹⁴ The New Korean Wave is now reaching its peak with girl groups including Girl's Generation and 2NE1, boy groups, including Big Bang and 2PM, and global solo artists including Psy.⁹⁵ The global popularity of idol groups has not only improved Korean culture and arts but also the Korean economy and society in general. "[K-Pop] has become a strategic industry for Korea with a hope that this will not only lead the cultural globalization from Korea, but will also lead Korea's future economic development efforts."⁹⁶ In other words, K-Pop has induced a spill-over effect for other sectors in Korea.⁹⁷

2. *Characteristics of the New Korean Wave*

The Korean Wave that includes middle-aged actors such as Yong Joon Bae, Ji Woo Choi, Young Ae Lee, Won Bin, Dong Keon Jang, and Byung Hun Lee is undergoing a change as younger generations of idol stars are joining.⁹⁸ In Japan, the most wanted Korean stars for advertisement casting were Yong Joon Bae, Ji Woo Choi, and Won Bin; now, they are TVXQ, KARA, Girl's Generation, and Geun Seok Jang.⁹⁹ Another characteristic of the New Korean Wave is that the fans are getting younger.¹⁰⁰ The younger generation is especially supportive of the New Korean Wave, contrary to the older generation that was especially supportive of the original Korean Wave.¹⁰¹

Korean Pop has been able to penetrate international markets with more success than ever before.¹⁰² The Korean Wave that was limited to Asia in the past is now crossing into Europe and even South America.¹⁰³ It is encouraging to see that K-Pop artists are flourishing in the Japan music

93. Huh, *supra* note 12, at 12.

94. *Id.*

95. Judy Park, *The Aesthetic Style of Korean Singers in Japan: A Review of Hallyu from the Perspective of Fashion*, 2 INT'L J. OF BUS. & SOC. SCI. 19, 27 (2011), http://www.ijbssnet.com/journals/Vol_2_No_19_Special_Issue_October_2011/3.pdf.

96. Eun Mee Kim & Jiwon Ryoo, *South Korean Culture Goes Global: K-Pop and the Korean Wave*, 34 KOREAN SOC. SCI. J. 1, 145 (2007).

97. Park, *supra* note 95, at 27.

98. Huh, *supra* note 12, at 12.

99. *Id.*

100. *Id.*

101. *Id.*

102. *Id.* at 13.

103. *Id.*

market, when in the past the chances of success were slim for Korean artists.¹⁰⁴ Japanese women idolize Korean girl idol groups such as Girl's Generation and KARA by mimicking the groups' fashion, makeup, and overall style.

The online support from foreign fans is also very strong.¹⁰⁵ The New Korean Wave was formed with strong support from the young generations of foreign countries.¹⁰⁶ This is an unprecedented phenomenon in the Korean music history considering that Korean idol groups have not had big concerts or performances in foreign countries.¹⁰⁷ Foreign fans have gone as far as staging demonstrations for Korean idols' foreign appearances and to promoting million views of videos on YouTube.¹⁰⁸ Starting with the demonstration in front of the Louvre against the sellout of the SM Town concert in Paris, many fans have independently devised their own flash mobs to ask for international concerts of Korean artists.¹⁰⁹ The online support activities of foreign fans are very similar to the fan culture of Koreans in the 1990s for the idol groups HOT and Sechskies.¹¹⁰

Cover groups and derivative idol groups are also a part of the new phenomenon among foreign fans.¹¹¹ As the popularity of K-Pop idol groups grew exponentially, "derivative Korean Wave," imitation of the real Korean Wave has emerged.¹¹² It involves groups that imitate the real Korean Wave poorly, have no special characteristics that Korean groups have, and are active in Japan only.¹¹³ AKB48 is one group that only

104. Huh, *supra* note 12, at 13.

105. Jeremy Hsu, *Is 'Gangnam Style' the Peak of K-pop's International Success?* ASIANAUT (Oct. 9, 2012), available at <http://asianaut.com/2012/10/09/is-gangnam-style-the-peak-of-k-pops-international-success/>.

106. *Id.*

107. Lee, *supra* note 70, at 2.

108. Huh, *supra* note 12, at 13.

109. A flash mob is a group of people who assemble suddenly in a public place, perform an unusual and seemingly pointless act for a brief time, then quickly disperse, often for the purposes of entertainment, satire, and artistic expression. The Oxford Dictionary defines flash mob as "a public gathering of complete strangers, organized via the Internet or mobile phone, who perform a pointless act and then disperse again." *Flash Mob*, OXFORD DICTIONARIES, www.oxforddictionaries.com/us/definition/american_english/flash-mob (last visited Oct. 18, 2013). Flash mobs are organized via telecommunications, social media, or viral emails. See Anjali Athavaley, *Students Unleash A Pillow Fight on Manhattan*, WALL ST. J. (Apr. 15, 2008). The first flash mobs were created in Manhattan in 2003, by Bill Wasik, senior editor of Harper's Magazine. See Bill Wasik, *#Riot: Self-Organized, Hyper-Networked Revolts-Coming to a City Near You*, WIRED, Jan. 22, 2012, http://www.wired.com/magazine/2011/12/ff_riots/.

110. Huh, *supra* note 12, at 13.

111. Korean Culture and Information Service, *supra* note 3, at 51–53.

112. Huh, *supra* note 12, at 14.

113. *Id.*

performs in a theater just for K-Pop and has an impression that makes it easier for people to enjoy K-Pop.¹¹⁴

3. *Reasons of Popularity and the Characteristics of K-Pop*

The reasons for the popularity and the characteristics of K-Pop distinguish itself from other genres of music.

First, the songs are catchy. The main characteristic of K-Pop is that it has a repetitive chorus which makes people vulnerable to sing along with it even if they are not sure of the melody or the lyrics.¹¹⁵ These songs, with repetitive choruses and catchy rhythms are called “hook songs.”¹¹⁶ Famous K-Pop hook songs are “Gee” by Girl’s Generation, “Sorry, Sorry” by Super Junior, and “Mister” by Kara.¹¹⁷

Another distinct characteristic of K-Pop is its choreography.¹¹⁸ Each song has a unique dance move that makes K-Pop unquestionably different from other pop genres.¹¹⁹ “Acrobatic moves” which can be achieved by a group of dancers whose every move looks the same are another unique characteristic of K-Pop dance songs.¹²⁰ The boy group 2PM is especially famous for these acrobatic moves.¹²¹ These images are so important in attracting fans.¹²² The rhythms and choreography of K-Pop are praised for representing the dynamic image of Korea.¹²³ On YouTube and other internet sites,¹²⁴ there is much user-generated content (“UGC”), including videos that imitate the original K-Pop songs.¹²⁵ The repetitive chorus, the

114. *Id.*

115. Huh, *supra* note 12, at 14.

116. A hook is a musical idea, often a short riff, passage, or phrase that is used in popular music to make a song appealing and to “catch the ear of the listener.” See John Covach, *Form in Rock Music: A Primer*, ENGAGING MUSIC: ESSAY IN MUSIC ANALYSIS 71 (Deborah Stein ed. 2005).

117. Huh, *supra* note 12, at 14.

118. Hsu, *supra* note 105.

119. Lee, *supra* note 70, at 95 (“One notable difference between Michael Jackson and H.O.T. is that while not every single of Michael Jackson has a specific dance, [but] every song by H.O.T. has specific choreography associated with it Synchronized group dancing is an important feature for H.O.T. and other idol groups.”).

120. *Id.*

121. Huh, *supra* note 12, at 14.

122. Leung, *supra* note 19, at 8.

123. Huh, *supra* note 12, at 14.

124. “From the copyright perspective, it is important to note that the internet, in its essential public aspect, is a system designed primarily for the distribution of works and information in the form of copies.” See Darrell Panethiere, *The Persistence of Piracy: The Consequences for Creativity, for Culture, and for Sustainable Development*, UNESCO E-COPYRIGHT BULLETIN 7 (July–Sept. 2005), available at http://portal.unesco.org/culture/es/files/30647/11444010025_piracy_e.pdf /piracy_e.pdf.

125. Huh, *supra* note 12, at 14.

hook, and the flashy choreography please the eyes and the ears, making people want to dance along with the song.¹²⁶

Most of the dance moves of K-Pop have their own names such as the “Nobody Dance,” “Kara’s Hip Dance,” and the “Sorry Sorry dance.” Most recently, Psy’s “Horse Dance” that appeared in “Gangnam Style” reached the peak of K-Pop dance moves.¹²⁷ Consumers now look forward to dance moves that are introduced in new songs.¹²⁸

K-Pop artists show off different fashion styles for every album, or every song in their albums.¹²⁹ In turn, these new fashion styles become trends that young people like to follow. For example, the tailored trend is produced from crown to toe. New trends meet the desires of young generations for consumption and fashion, easily producing issues for teenagers to gossip about.¹³⁰ Despite criticisms, “[c]onsumption of music is entangled with the consumption of persona, image, and spectacle.”¹³¹ Contrary to the music industry of the past where the quality of songs was the only thing of importance, artists have to match their fashion styles along with their songs.¹³² Seo Taiji and Boys was able to spark new trends in the 1990s because of their producing abilities to bring forth a new trend for every album they released to the public.¹³³

Another characteristic of K-Pop is the numerous talents of idol groups. Idol groups can no longer sustain their fame on appearance alone.¹³⁴ In the 1990s, teenagers were cast right off the streets and students were brought for debut without any proper training.¹³⁵ Their live performances were poorly performed, and they were criticized as singers with likable faces but unlikable talent. It was very difficult for idol group singers to be considered as serious musicians. Now, however, singers need at least three to seven years of practice and training in order to become official

126. Lee, *supra* note 70, at 51 n.35 (“The structure of popular music usually consists of: verse – pre-chorus – chorus – verse – pre-chorus – chorus – bridge – chorus.” “In pre-chorus or bridge part, [an] instrumental solo is inserted such as a guitar solo, harmonica solo, or keyboard solo.”).

127. Hsu, *supra* note 105.

128. Huh, *supra* note 12, at 14.

129. For a detailed description of the relationship between youth culture, popular music, and stylistic images, see ANDY BENNETT, POPULAR MUSIC AND YOUTH CULTURE: MUSIC, IDENTITY, AND PLACE, (2000), at 43, 59, 75, 89, 105, 119.

130. Huh, *supra* note 12, at 15.

131. Leung, *supra* note 19, at 31.

132. Bennett, *supra* note 129, at 43, 59, 75, 89 (explaining heavy metal, punk and punk rock, reggae and Rasta, hip and hop, Bhangra and Asian dance music with stylistic image of each culture).

133. Huh, *supra* note 12, at 15.

134. *Id.*

135. Hsu, *supra* note 105.

singers.¹³⁶ Most singers are talented in dancing, singing, speaking foreign languages, public speaking, and even visual arts by the time they go on stage. Famous entertainment management companies have at least 100 trainers. The Japanese media has compared Korean and Japanese idol group singers and concluded that Korean idols were much more talented than Japanese idols.¹³⁷ Contrary to Japanese singers who debut as soon as they are selected by companies and gradually develop their skills as they continue their career, Korean singers show sophisticated talent by the time they debut on stage; that's why, Korean idol groups are highly praised.¹³⁸

A final characteristic of K-Pop is that people of all ages can easily access it in their everyday lives. Unlike the inaccessibility of Hollywood's top stars, Korean idol groups appear on various entertainment shows to speak more frankly about themselves to the general public.¹³⁹ *Strong Heart*, *Star King*, *Happy Together*, *Bouquet*, and other Korean entertainment TV shows are hosted by Korean idol groups.¹⁴⁰ Some TV shows go as far as hazing the new idol singers that appear for the first time.¹⁴¹ Foreigners can see Korean TV shows only through the internet and subsequently, can easily recognize and favor the Korean idol group singers that they have seen on these TV shows.¹⁴² Contrary to foreign celebrities who appear on TV shows every now and then, Korean singers are highly praised for their abilities to show off various talents such as singing and dancing on various TV shows.

B. Reasons for Success of K-Pop

Social networking has played a dominant role in K-Pop's success. The development of social media, including YouTube and Facebook, has allowed K-Pop stars to advertise their music at a reasonable price.¹⁴³ In the past, in order to debut an artist, a tremendous amount of money was required for advertisements, but it is now easier to advertise the music of recent artists through the internet at a cheaper cost.¹⁴⁴ "Copies of works of any description that can be rendered in digital form are the heart of the

136. *Id.*

137. Huh, *supra* note 12, at 15.

138. Hsu, *supra* note 105.

139. Jang & Paik, *supra* note 23, at 200 (arguing the Korean Wave is not a true "Korean" wave, rather it is a hybrid of the traditional Korean cultures and western cultures, particularly American).

140. Huh, *supra* note 12, at 15.

141. *Id.*

142. Jang & Paik, *supra* note 23, at 200.

143. Huh, *supra* note 12, at 16.

144. *Id.*

internet.”¹⁴⁵ SNS have played such a crucial role for the development of K-Pop that the New York Times reported that the reason for K-Pop is social media.¹⁴⁶ In addition, France’s *Le Monde* mentioned that “Facebook made the K-Pop performances in Europe possible.”¹⁴⁷ After test marketing the responses on SNS such as YouTube and conducting thorough research, artists start their promotion online and make their appearance internationally.¹⁴⁸ Foreign fans carry out various supporting activities on Facebook and YouTube, including petitions for international performances in countries such as the United States and Canada, and movements to increase the number of views for the music videos of their favorite artists.¹⁴⁹ Such trends have increased at great speed after it became possible for Koreans to exchange information in English online.¹⁵⁰

K-Pop has many English lyrics in the songs so that foreigners have less difficulty enjoying them.¹⁵¹ In particular, hook songs use English or easily pronounceable Korean words in the chorus.¹⁵² If we look at some songs that became hits outside Korea, we can observe that they have choruses with English lyrics, such as “Sorry Sorry,” “Run Devil Run,” “I’m Genie for You,” “Lollipop,” and “Nobody, Nobody but You.” In addition, it is easy to share thoughts and information about favorite K-Pop stars and their songs via global websites such as YouTube.¹⁵³

The simultaneous broadcast of KBS Music Bank worldwide is also an important marketing element for the globalization of the Korean Wave.¹⁵⁴ Viewers carry out various activities, including uploading their comments in real time and voting for their favorite Korean artists.¹⁵⁵ Simultaneous broadcasting worldwide provides opportunities for foreign fans to encounter updates about their favorite K-Pop stars at the same time as Korean fans.¹⁵⁶

145. Panethiere, *supra* note 124, at 7.

146. Choe Sang-Hun & Mark Russell, *Bringing K-Pop to the West*, N.Y. TIMES, Mar. 4, 2012, http://www.nytimes.com/2012/03/05/business/global/using-social-media-to-bring-korean-pop-music-to-the-west.html?pagewanted=all&_r=0.

147. *Le K Pop: LaVague Pop Coréenne Gagne l’Europe!*, FACEBOOK (June 16, 2011), <https://www.facebook.com/video/video.php?v=2110559280478>; *see also* Mesmer, *supra* note 54.

148. Huh, *supra* note 12, at 15.

149. Huh, *supra* note 12, at 15.

150. Huh, *supra* note 12, at 15.

151. Huh, *supra* note 12, at 15.

152. Huh, *supra* note 12, at 15.

153. Huh, *supra* note 12, at 15.

154. In particular, “globalization of culture is largely due to the development of communication media, both in positive and negative terms.” Lee, *supra* note 70, at 6–7.

155. Huh, *supra* note 12, at 15.

156. *Id.*

The second reason for the success of K-Pop is the strategic partnership with the locals. The alliance with local composers and producers heighten the amount of attention by local fans toward Korean popular music.¹⁵⁷ Girl's Generation's song "Genie," F(x)'s song "Chu," and TVXQ's song "Mirotic" selected Europe, Sweden, and Denmark, respectively, for their strategic partnerships.¹⁵⁸ To target the foreign music markets, some groups decided to include some foreigners as their members. For example, F(x)'s Victoria is a classical dancer from Qingdao, China.¹⁵⁹ Her recruitment into the group F(x) was a strategic decision to target the Chinese and Taiwan music market.¹⁶⁰

The third reason for the success of K-Pop is the training system implemented on the singers-to-be. The system for training the future idol group singers is considered to be a vigorous one, providing the necessary and solid basis to become good singers.¹⁶¹ The training system that SM Entertainment Management Co. Ltd. implemented involves financial support from the company and trainee period, in which students learn to sing, dance, and speak foreign language.¹⁶² In the case of SM Entertainment Management Co. Ltd., seventy workers educate and train sixty groups and singers under four departments.¹⁶³ The company auditions young people from various countries and designs everything for the group before it debuts as an idol group.¹⁶⁴ Each year, about 10,000 people go through a tough audition process; after they are selected, they go through even harder training periods to maximize their skills and personalities.¹⁶⁵ It takes about two years for a group to take shape.¹⁶⁶ After two years, the company chooses the trainees that are best fit for the recent trends and styles from the twenty or so members that were in the pool of trainees.¹⁶⁷ *Shinee* was first meant to perform as a boy band with five teenage boys ranging from the ages of 18 to 22.¹⁶⁸ The majority of the group's music is rhythm and blues ("R&B"), but it is appealing to a large number of fans and carry a message that most people can empathize

157. *Id.* at 17.

158. *Id.*

159. *Id.*

160. *Id.*

161. Hsu, *supra* note 105.

162. *SM Entertainment's Casting System*, KRNLOOP (Mar. 1, 2008), <http://krnloop.wordpress.com/2008/03/01/sm-entertainments-casting-system/>.

163. Hsu, *supra* note 105.

164. *Id.*

165. *Nightline: K-Pop Boot Camp* (ABC Television Broadcast Oct. 15, 2012).

166. Huh, *supra* note 12, at 17.

167. Hsu, *supra* note 105.

168. Huh, *supra* note 12, at 18.

with.¹⁶⁹ During the process of planning which groups to invest in and debut, entertainment management companies constantly repeat the process of redistributing members into different groups for the perfect combination.¹⁷⁰ It takes about 250 million to 500 million Korean won to educate, train, make a group, and debut in an entertainment “academy.”¹⁷¹

Another point is that the styles entertainment management companies promote and pursue are different for each company.¹⁷² Foreign fans differentiate singers’ styles according to those of the three entertainment management companies: JYP, YG, and SM TOWN.¹⁷³

The fourth and final reason of the success of K-Pop is the overall appeal to the public.¹⁷⁴ The appearance, dance abilities, and fashion styles contribute to the positive appeal of K-Pop artists.¹⁷⁵ K-Pop artists’ unique combination of dance, style, and sound has made them a competitive commodity in the international music market.¹⁷⁶ K-Pop songs do not have a language barrier because the songs are mostly rhythmical, not ballads which need more concentration on the lyrics.¹⁷⁷ The fancy styles, colorful dance rhythm, and the pleasing appearance of the artists engage foreigners to enjoy K-Pop.

169. Marnie Ruth Binfield, *Bigger Than Hip-Hop: Music and Politics in the Hip-Hop Generation*, Doctor of Philosophy Dissertation (2009) (unpublished Ph.D. dissertation, Univ. of Texas at Austin) (on file with Author). Binfield described how:

Rhythm and blues (R&B) was positioned discursively as a decidedly Black form. R&B records rarely received airtime on mainstream radio although for many years they were the bread and butter of Black radio stations. As the Civil Rights Movement achieved some success (and some notable setbacks), the Black Power movement emerged in response to a changing political climate, and rock and roll emerged in many critics’ views as a diluted and whitened form of R&B.

Id. at 26.

170. Huh, *supra* note 12, at 18.

171. Leung, *supra* note 19, at 28 (citing November 2011 interview with SM Entertainment representative Kim Young Min).

172. Huh, *supra* note 12, at 17.

173. Hsu, *supra* note 105.

174. Huh, *supra* note 12, at 17.

175. *Id.*

176. *Id.*

177. *Id.*

C. Political and Cultural Significance of the New Korean Wave

1. *Contribution to the Globalization of Korean Culture*

The flourish of K-Pop increases the value of the national brand and the interest of foreigners to other products and contents from Korea. Once people obtain great interest in K-Pop, they will start to be curious about Korea, the Korean language, Korean food, and Korean culture itself. The language and cultural barrier is considerably lower for music; thus the exchange of music between countries is much easier. Via the New Korean Wave, K-Pop makes it possible for Korean culture, art, and Koreans' distinct sentiments to permeate subconsciously into the culture of foreign countries.¹⁷⁸

2. *Utilizing K-Pop for Increase in Exports and More Employment*

The popularity of K-Pop can be used for marketing Korean brands and increase the consumption of Korean products and services. As the industries and fields that involve music become more diverse, more spots for jobs will open, contributing to the dire situation of unemployment among young people these days. K-Pop can act as the catalyst for promoting the cultural and travel industry in Korea as it increasingly receives attention from foreign fans. Considering the aggregate of the market value, profits from sales, the value of the national brand, and the profits from the travel industries and other relevant industries, the value of K-Pop as an invisible asset is infinite.¹⁷⁹ In the case of the United States, pop music not only gave birth to pop culture but also established "trend industries" and the travel industries that follow the pop culture.¹⁸⁰ Now, pop music itself has become a representative medium of America. The New Korean Wave, which includes the exports of cultural products that received the influence of the worldwide popularity of K-Pop, is regarded as a high-value-added business. The marketing effects from employing K-Pop artists for businesses, duty-free shops, cosmetics, and tourist goods are potentially massive.

178. Jang & Paik, *supra* note 23, at 197 (citing Nye's argument that "[soft power] arises from the attractiveness of a country's culture, political ideals, and policies"). *Id.*

179. Korean Culture and Information Service, *supra* note 3, at 70.

180. Huh, *supra* note 12, at 19.

3. *Contribution of Easier Distribution of Music to the Expansion of the New Korean Wave*

It is easy to distribute music via the Internet on sites such as YouTube.¹⁸¹ Musicians are able to check the response of listeners on online SNS before they officially release their works online and offline. Furthermore, people can enjoy not only the original song, but also cover videos of original songs and dances.¹⁸² Fans from every corner of the world can also share music and videos of the performances of their favorite artists at a considerably faster rate. There are also some Korean fans that speak multiple languages and insert the appropriate subtitles for foreign fans who may not understand Korean.¹⁸³

IV. Problems in the Development of K-Pop

A. Exclusive Contracts Between Artists and Entertainment Management Companies

Prolonged, exclusive contracts between artists and entertainment management companies have already been reported several times as a serious problem in the K-Pop market.¹⁸⁴ Exclusive contracts refer to the offering of opportunities for celebrities to carry out their activities in the entertainment industry only through a certain entertainment management company.¹⁸⁵ Legal conflicts have constantly arisen as singers and actors argue the unfairness of the prolonged, exclusive agreements.¹⁸⁶ These contracts have sometimes lasted for such a long time that some people call them “slave contracts.”¹⁸⁷

The allocation of profits is also a chronic problem in Korean music industries. Production companies believe that the investment it took for a singer to become successful should be deducted from the profits made after the singer become successful in the music industry.¹⁸⁸ Artists believe that

181. Leung, *supra* note 19, at 8 (“[Social media easily] provide[s] other outlets for fan energy and have all contributed to K-Pop’s growing global fan community.”).

182. Lee, *supra* note 70, at 136 (“Many illegal ‘pirate channels’ arose to cover entertainment contents, using local cable systems in order to meet these new and rapidly-developing cultural demands.”).

183. Hsu, *supra* note 105.

184. Williamson, *supra* note 47.

185. Huh, *supra* note 12, at 22.

186. See Leung, *supra* note 19, at 30 (“Complaints [in the law suit] include lack of sufficient compensation, unreasonably long contract lengths, and strict lifestyle restrictions.”).

187. Williamson, *supra* note 47 (“[S]ome of K-Pop’s biggest success stories were built on the back of so-called slave contracts, which tied its trainee-stars into long exclusive deals, with little control or financial reward.”).

188. Huh, *supra* note 12, at 22.

it is unfair for them to be unable to keep every profit they have made.¹⁸⁹ Such conflicts are the reason that some members of idol groups withdrew from management representation and decided to pursue their own music careers while searching for a new entertainment management company.¹⁹⁰ For example, idol groups including HOT, TVXQ and KARA have faced numerous conflicts with their management companies regarding the allocation of the profits reaped from their activities.¹⁹¹

B. Anti-Korean Wave

With the spread of the New Korean Wave, movements against it have surged, suggesting a very unfavorable future.¹⁹² Such movements increased even more as the Japanese government brought up the territorial dispute regarding Dokdo Island.¹⁹³ This is a sensitive problem that can be aggravated at any time. As the exports of Korean CDs to Japan increase, many Japanese people are raising their voices, exclaiming that K-Pop artists are coming to Japan for only “lucrative reasons.”¹⁹⁴ Movements against the Korean Wave are partly the side effects of the praises and sometimes exaggerated reports by mass media.¹⁹⁵

If we look at this situation from a different perspective, we are able to observe the Korean Wave’s importance in global society. According to the chairman of the Presidential Council on National Branding (PCNB), “movements in Japan against the Korean Wave rather prove how successful Korean Wave is,”¹⁹⁶ and a Japanese professor went as far as to mention that “being unresponsive is rather the best policy to show antagonism to the Korean Wave.”¹⁹⁷

189. Williamson, *supra* note 47 (“[S]ome of K-Pop’s biggest success stories were built on the back of so-called slave contracts, which tied its trainee-stars into long exclusive deals, with little control or financial reward.”).

190. *Id.* (“[T]he [K-pop music] industry... has a less glamorous side: a history of controversy and legal disputes over the way it treats its young artists, which it is still struggling to shake.”).

191. *Id.*

192. Millie Creighton examines the Korean Wave from the standpoint of Korean-Japanese relations. See Millie Creighton, *Japanese Surfing the Korean Wave: Drama Tourism, Nationalism, and Gender via Ethnic Eroticisms*, 31 SE. REV. ASIAN STUDIES 10–38 (2009).

193. Seo Jieun, *Anti-Korean Wave Backlash Has Political, Historical Causes*, KOREA JOONG ANG DAILY [INTERN REPORT], Feb. 17, 2011, <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2932286>.

194. Liu, *supra* note 68.

195. Huh, *supra* note 12, at 23.

196. Regina Kim, *Searchers and Planners: South Korea’s Two Approaches to Nation Branding*, SAIS U.S.-KOREA YEARBOOK 2010 154–55, 159–60 (Johns Hopkins Univ. 2010).

197. Norimitsu Onishi, *Ugly Images of Asian Rivals Become Best Sellers in Japan*, N.Y. TIMES, Nov. 19, 2005, <http://www.nytimes.com/2005/11/19/international/asia/19comics.html>.

C. Failure to Advance into the American Music Market

The boom for K-Pop has come a long way, but compared to American pop music, K-Pop is still in its developing stage, in need of more improvements. In order for K-Pop to establish itself as a truly cosmopolitan culture, it needs to successfully establish itself in the American music markets. American music markets are not only prodigious, but the popularity in American markets assures popularity in global music markets. It is true that Rain, BoA, and Wonder Girls have entered into the ranking charts of American music markets and have held impressive performances, but it is hard to praise them as having been successful in their efforts.¹⁹⁸ Nevertheless, Psy's hit last year in America proved that K-Pop's success in the American music markets is not impossible. Since only famous and talented musicians can be successful in the American music market, K-Pop artists who are at a disadvantage in language, culture, and ethnicity must not only be flawless in their performances and external appearances, but also superior in their music and dance abilities. It is difficult for Korean idol groups to be graded as talented musicians because they are manufactured by producers.¹⁹⁹

D. Illegal Downloading and Piracy

A considerable amount of CDs, DVDs, and other materials produced by K-Pop artists are not distributed via legal sales, but through illegal downloading and piracy.²⁰⁰ The biggest problem is that many entertainment management companies have yet to procure a reliable market in foreign countries.²⁰¹ This is especially urgent in the Asian music markets where piracy is rampant.²⁰² One unique feature of the Internet is that “[n]o transaction, or act of copying over the internet, particularly over the World Wide Web, is inherently undetectable.”²⁰³ It is crucial that companies cooperate with local distribution companies, record companies, and news agencies to get to the core of illegal activities and take the appropriate legal measures. Companies should also recognize that the

198. See Ravina, *supra* note 11 and accompanying text.

199. Huh, *supra* note 12, at 23.

200. Piracy traditionally refers to acts of copyright infringement intentionally committed for financial gain, though more recently, copyright holders have described online copyright infringement, particularly in relation to peer-to-peer file sharing networks, as “piracy.” See Panethiere, *supra* note 124, at 2.

201. *Id.* at 3 (“[D]espite widespread press attention to the newer phenomenon of internet piracy, commercial piracy in its traditional form continues to be an important, and in some territories, a growing problem.”).

202. See Leung, *supra* note 19, at 30.

203. See Ravina, *supra* note 11, at 8.

reason foreign fans commit piracy and illegal downloading is that it is extremely difficult to obtain CDs and videos of performances in local markets.²⁰⁴

V. Tasks and Proposals for the Continued Development of the Korean Wave Through K-Pop

A. Training Talented Individuals for K-Pop by the Government

With the recent boom of the New Korean Wave in foreign countries, the government needs to increase the support for training talented individuals who can further develop K-Pop. As the programs for training young musicians have reached foreigners, the demand for learning and going through specialized training programs has increased. Accordingly, the government must meet such demands through support for practical music departments in domestic universities and specialized education institutions of K-Pop. The government must also take into consideration establishing academies by cooperating with domestic entertainment management companies.

There are numerous audition programs in Korea such as “Superstar K” and “The Great Birth” that provide opportunities for the general public to show off their talents, but they all have the problem of being a one-time event.²⁰⁵ The winners of such audition programs also lack the opportunities to receive continuous and systematic education in order to become professional singers.²⁰⁶ Many people also criticize that the prize money for such audition programs is used for the production of CDs during the program that the winners barely receive any compensation.²⁰⁷ Winners may rank first in an audition program by showing their full potential on stage, but many winners fail to carry out reputable activities as singers because the audition programs do not provide a process of employment into entertainment management companies, projects with esteemed producers,

204. Olufunmilayo B. Arewa, *YouTube, UGC, and Digital Music: Competing Business and Cultural Models in the Internet Age*, 104 NW. U. L. REV. 463, 463 (2010) (“Consequently, players in the cultural industries advocate ever stronger intellectual property laws to protect against the threat of piracy.”).

205. Han Na Shin, *Influence of American Media upon Korean Broadcasting Culture-Analyzing ‘American Idol’ vs. ‘SuperStar K II.’* (2012) (unpublished MA thesis, Liberty Univ.) (on file with university).

206. The reason of success of SuperStar K is that it provides a chance to become a singer but the chances are limited to only 3.03%. See Shin, *supra* note 205, at 36.

207. According to the research, only 1.43% participate in the audition shows for commercial reasons. See *id.* at 37.

or appearances in other TV shows.²⁰⁸ Furthermore, instead of ranking people of great talent as first, the judges in audition programs tend to select people who are more popular and more interesting to the public.²⁰⁹

Agencies and music distribution enterprises must also solve the inequality of allocating profits for mutual development. The current status of profit distribution will definitely hinder the development of K-Pop in the future. Only transparent and rational profit distribution processes will promote a positive synergy effect for further cultivation of K-Pop.²¹⁰ We must acknowledge that K-Pop artists are going global because they want to be successful in the global music market, but also because they want to make more profit in an equitable way.

B. Support for International K-Pop Activities

It is difficult to concretely draw conclusions concerning the popularity of K-Pop around the world. The government's support for participation in festivals and showcases abroad are more than necessary. Currently, there are many criticisms that the government has done nothing to aid K-Pop's development despite the newly formed craze for K-Pop in Europe and South America.²¹¹ The Korean government must fervently support K-Pop activities in regions where K-Pop is not yet famous and has potential for popularity among the locals there in the near future.²¹² More than anything, the government must promote the popularization of K-Pop in regions such as Europe, Africa, and South America where manias of K-Pop are starting to appear.

C. Securing Qualitative Improvement and Variety in K-Pop

These days, K-Pop artists are considered to be musicians that have been planned and trained according to a strict schedule for profit rather than artistic value.²¹³ Domestic and international critics point out that idol stars that are mass produced by entertainment management companies are so similar to each other that it is difficult to see the unique characteristics

208. *Id.* at 42–44 (providing interview with judges and competitors who participated in the audition).

209. *Id.* at 27.

210. Huh, *supra* note 12, at 24.

211. *Id.*

212. See Ravina, *supra* note 11, at 4 (“The Korean government has promoted the Korean Wave as an export industry, with efforts that range from celebrating Korean pop stars in tourism materials to the direct support of Korean media companies.”).

213. See *supra* notes 15 and 16 and accompanying text.

and talents of each group.²¹⁴ In other words, singers do not have any fortes that make them stand out from each other.

It is extremely difficult for cultural contents that develop under a strict and artificial training system to have vitality in the global market. They also have the potential of facing the danger of extinction if the stylized system disappears. The public is bound to turn its attention away from idol stars that perform songs that are easy to sing along with and display fashion styles that grab the public's eyes for only an ephemeral moment. Idol stars in the 1990s in America, including Backstreet Boys ("BSB") and many other Korean idol stars, are some examples. Qualitative improvement of artists is more than important in order to be recorded in music history and to be set as role models for musicians in the future. The Beatles were also an idol group and trendsetters that received the greatest possible praise as musicians; many musicians around the world are still using the Beatles' songs for remakes. In order to prolong the increasing craze for K-Pop, Korean entertainment management companies and singers must embrace in a humble manner the criticisms foreign listeners provide.

In conclusion, it is important to secure the variety of K-Pop songs and artists for the steady popularity and development of K-Pop in the future. Korea must prove that a variety of music genres exist, including rock, hip hop, indie, rather than just pop. The globalization of traditional Korean music will improve as a result. Joong Kwon Shin from the 1970s and 1980s and Indie bands popular in the Hongik University area already have a substantial number of mania fans abroad, but the lack of governmental support and foreign distribution led to the failure of popularization among listeners.²¹⁵ If we observe the Korean music videos uploaded on YouTube, videos that have idol groups and stars are translated for foreign fans, but videos of singers that are evaluated as talented are not even uploaded.²¹⁶ It is also unfortunate that only idol groups were invited to the MTV K-Pop festival.

D. Improvement in the Allocation of Profits in the Music Industry

Music distribution companies account for the biggest proportion of profits in the Korean music market. Also, it is obvious that music distribution companies receive less rights and profits compared to iTunes for example.²¹⁷

214. Lee Hwa-Jung, *Global Star Agency, United Asia Management*, HANCINEMA (May 13, 2011), <http://www.hancinema.net/global-star-agency-united-asia-management-29846.html>.

215. Huh, *supra* note 12, at 25.

216. *Id.*

217. *Id.*

In the case of online music services, the service provider receives an average of 40%–57.5% of the total sales while the singer and management companies receive about 42.5%–60% of the total sales.²¹⁸ In the case of ringtones and colorings (ringback tones), the service providers receive 61.5% while the singer and management companies (producers) receive 38.5% of the total sales.²¹⁹ Regarding the sales of CDs offline, singers receive 49.3% of the total sales, larger than what they receive through online sales.²²⁰ The table below summarizes the distribution of income in the recording industry.

	Selling Price	Rightsholder Income					Distributor (OSP)/%	Income for holder of a right per music
		Subtotal %	Composer %	Performers %	Tone generator %			
Download per music (iTunes)	(1) 1,088/ Song	769 (66.7)	110 (10.0)	(2)	659 (60.0)	330 (30.0)	769	
CD (15 songs)	(3) 13,000 / Sheet	7,400 (56.9)	666 (5.1)	(4)	6,734 (51.8)	5,600 (43.1)	493	
Download per music	600/ Song	324 (54.0)	54 (9.0)	30 (5.0)	240 (40.0)	276 (46.0)	324	
Fixed monthly pay download (40 songs)	5,000/ Mo. (125Won /Song)	2,635 (52.7)	410 (8.2)	225 (4.5)	2,000 (40.0)	2,365 (47.3)	66	
Fixed monthly pay download (150 songs)	9,000/ Mo. (60 Won/Song)	5,400 (60.0)	900 (10.0)	450 (5.0)	4,050 (45.0)	3,600 (40.0)	36	
Unlimited download (DRM)	10,000 / Month	4,800 (48.0)	800 (8.0)	400 (4.0)	3,600 (36.0)	5,200 (52.0)	-	

218. Krista Mahr, *South Korea's Greatest Export: How K-Pop's Rocking the World*, TIME, Mar. 7, 2012, available at <http://world.time.com/2012/03/07/south-koreas-greatest-export-how-k-pops-rocking-the-world/> (“According to CJ E&M, a major media company in Seoul that produces the reality show Superstar K, record sales account for about 40% of the major management companies’ revenue The other 60% comes from having their stars appear on everything from energy-drink labels to soap operas.”).

219. Siwoo Kim, *Industry Analysis-Entertainment*, KOREA INVESTMENT AND SECURITIES, (Mar. 19, 2012), at 6.

220. See Kim, *supra* note 219, at 4–6.

<i>Streaming on demand</i> (unlimited music)	3,000/ Mo.	1,275 (42.5)	150 (5.0)	75 (2.5)	1,050 (35.0)	1,725 (57.5)	-
<i>Ringtone</i>	800/ Song	308 (38.5)	72 (9.0)	36 (4.5)	200 (25.0)	494 (61.5)	308
<i>Coloring</i>	1,200/ Song	462 (38.5)	108 (9.0)	54 (4.5)	300 (25.0)	738 (61.5)	462

Income Distribution of the Recording Industry (Unit: Music, %, KRW)²²¹

Korea has a too-complex collection system for the digital music royalties. Korean digital music fees are collected in the following order: (1) service provider of copyright, (2) neighboring rights (*droits voisins*) of copyright holder, (3) reproduction rights of performer, (4) reproduction rights of record producer of phonograms, (5) Korea Music Copyright Association, (6) Korea Art Performers Association, (7) the Korean Association of Phonogram Producers, (8) digital distributor, (9) agent of sound source brokerage firm, (10) agency, (11) copyright holder (lyric writer & melodizer), (12) performer.²²²

Another problem in the online Korean music market is that the cost for songs is excessively low. There are some cases where it costs 600 Won per song; in the case of music services paid monthly, a song costs from 60 won to 125 won.²²³ It costs about 30 won to listen to a song from beginning to end.²²⁴ Music markets based on low cost fixed monthly services hinder artists' desire to create new, high-quality music. Many online music providers are devising ways to maximize their profit while minimizing the profit that goes around to singers and producers.²²⁵ Consumers are mostly unaware of the current situation in the music market; they are using the cheap fixed monthly services instead of paying for individual songs. In the United States, a song costs about 1,100 won (app. one USD) and in Japan, 1,200 won.²²⁶

VI. Conclusion

What is the significance of the twenty-first century “digital road” generation in Korea? It can be the opportunity to spark a Korean Wave renaissance, though it can also be a danger. It is an honor and opportunity

221. *Id.*

222. *Digital Broadband Content: Music*, Organization for Economic Cooperation and Development Working Party on the Information Economy 58–60 (Dec. 13, 2005). (The content creation, production, sales and marketing is classified in this online value chain.)

223. Huh, *supra* note 12, at 26.

224. *Id.*

225. *Id.*

226. *Id.*

to experience the rapid spread of K-Pop to every corner of the world in our history of 5,000 years. This rapid spread of K-Pop can quickly turn out to be disadvantageous for Korean history if Koreans do not take appropriate measures. For the Korean Wave to continue to appeal to foreigners, it will take a lot of time and effort. However, the time it takes for Korean culture to establish itself as something of hatred and disgust is instantaneous.

In the generation of the digital road, the Korean way of closure and uniqueness may not appeal to foreigners. In a situation where the world acts as an interconnected whole when one region faces a problem, other regions around the world are also affected. Countries around the world are increasingly cooperating with each other to solve global problems rising in the economy, environment, and security. Problems regarding different cultures are not an exception.

Examining the development of K-Pop through the current digital road generation is a meaningful process. Through this process, we might realize the dynamic characteristics of our music that we may not have noticed before. Furthermore, like this study notes throughout, aspects that need to be pondered upon and examined will also be recognized. After the problems are outlined, it is more than important to correct and minimize the weaknesses and make use of our strengths. Culture is another sign of our strengths and way of survival in the cosmopolitan society.

The spread of K-Pop is unprecedented in not only Korean history but also in world history. Such worldwide spread of K-Pop is comparable to the Silk Road that connected Eastern and Western culture during the last 2000 years. The Silk Road was maintained on analogue communication methods, including roads, railways, sea, and air, which are under time and space constraints. The digital revolution that is represented by IT and other types of advanced technology provide a new virtual road on which every country around the world can communicate and interact with each other instantaneously. The road that was connected by silk is now connected by a digital medium, opening the generation of K-Pop.

In order to achieve the renaissance of K-Pop, the government, artists, and industries must solve the problems put forth in this study as soon as possible. The legislation of laws such as the current “Culture Industry Promotion Act” is preferable in order to establish the legal foundations for the continuous development of K-Pop and the New Korean Wave.