

# Online Piracy Landscape – Republic of Korea

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## Brief Introduction

Korea has some of the most advanced and high speed broadband infrastructure in the world. In September 2020, Korea's Internet average speeds were ranked as the quickest in the world, and Korea's flagship mobile carrier SK Telecom was named the world's second fastest mobile network. Korea was also the first country to offer a commercial 5G network service. In short, there is a very strong internet infrastructure, which provides the necessary backbone for both legitimate as well as pirated distribution of content.

By way of background to this report, a few key facts about Korea may help to better understand and add perspective to the data that will be shared later in the report.

Population: 51.8 million  
GDP: US\$ 45,274  
Economy: 4<sup>th</sup> largest in Asia  
10<sup>th</sup> largest in the world

The creative industries are an increasingly key part of the Korean economy and the government devotes considerable resources to protecting and promoting the sector. The Korean government publishes official reports relating to copyright enforcement as well as piracy related subjects. Time and money is also invested annually to conduct surveys to gauge public perception and attitudes about copyrights as well as the level and forms of piracy<sup>1</sup>. The 2021 Copyright Statistics issued by the Korea Copyright Commission and the Korea Copyright Protection Agency's (KCPA) 2021 Annual Report on Copyright Protection (Combined Report)<sup>2</sup> are key reports. The volume of materials and details is quite significant, so this report will highlight and summarize the data that is most relevant to the goal of this project - i.e. to provide a concise overview of the online piracy landscape in Korea, and more specifically, with respect to movie and broadcast content.

To provide a comprehensive perspective of the piracy landscape, this report will include three chapters. First, we look at the data on public perception and attitude on piracy subjects/topics. Second, we present specific data from government reports directly relevant to understanding the level of piracy, as well as the routes to pirated content. In the final section, we share some of the data available on the government's enforcement efforts against piracy.

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<sup>1</sup> The surveys involve 20,000 participants covering 5 different types of copyrighted works: music, movies, broadcasts, publication and games. Participants are selected to cover a broad spectrum of the population (income levels, geographic regions, ages 13-69, etc.)

<sup>2</sup> 2021 Copyright Statistics issued by the Korea Copyright Commission (234 pages); 2021 Annual Report on Copyright Protection (Combined) issued by the Korea Copyright Protection Agency (176 pages); 2021 Annual Report on Copyright Protection (Broadcast) issued by the Korea Copyright Protection Agency (178 pages); 2021 Annual Report on Copyright Protection (Movies) issued by the Korea Copyright Protection Agency (170 pages).

## I. PUBLIC ATTITUDES/PERCEPTION OF PIRACY

### A. Perceived Seriousness of Copyright Infringement

For the KCPA's key report, the Combined Report, research was conducted on a total of 20,000 respondents aged from 13 to 69 (4,000 for each type of work), a sample selected to represent the Korean population (quota sampling), from 8 December 2020 to 30 December 2020. Some responses gathered were filtered out if it took too long or short for a respondent to answer, if there were some irregularities (e.g. the same answers for all questions), etc., and the numbers of the valid responses for each type of work are: 2,476 for music, 2,616 for movies, 2,150 for broadcasts, 2,230 for publications, 1,887 for games.

To obtain the most accurate results possible about the routes of using illegal works, the questionnaire was designed to reduce the psychological pressure of the respondents responding to surveys related to illegality. The respondents were asked about the actual amount of use for each use route without having to make their own judgment on whether it was legal or illegal. Also, the routes of use of legal works and illegal works were presented without distinction<sup>3</sup>. After the data was collected, the researchers classified, organized, and calculated separately afterwards<sup>4</sup>.

In the Combined Report survey participants were asked whether they believe that the copyright infringement problem in Korea is serious or not serious, and were also asked to score the level of seriousness from a scale of 0-4 (4 being the most serious). The results are reflected in the chart below<sup>5</sup>.

Category	Is Serious (%)	Is not Serious (%)	Average Score
Total	82.8	17.2	2.97
Music	79.3	20.7	2.90
Movies	83.8	16.2	2.98
Broadcasts	83.9	16.1	2.95
Publications	80.3	19.7	2.96
Games	87.5	12.5	3.10

The chart below also shows the relative change in results from 2019 and 2020<sup>6</sup>:

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<sup>3</sup> 2021 Annual Report on Copyright Protection (Combined), page 43, Korea Copyright Protection Agency.

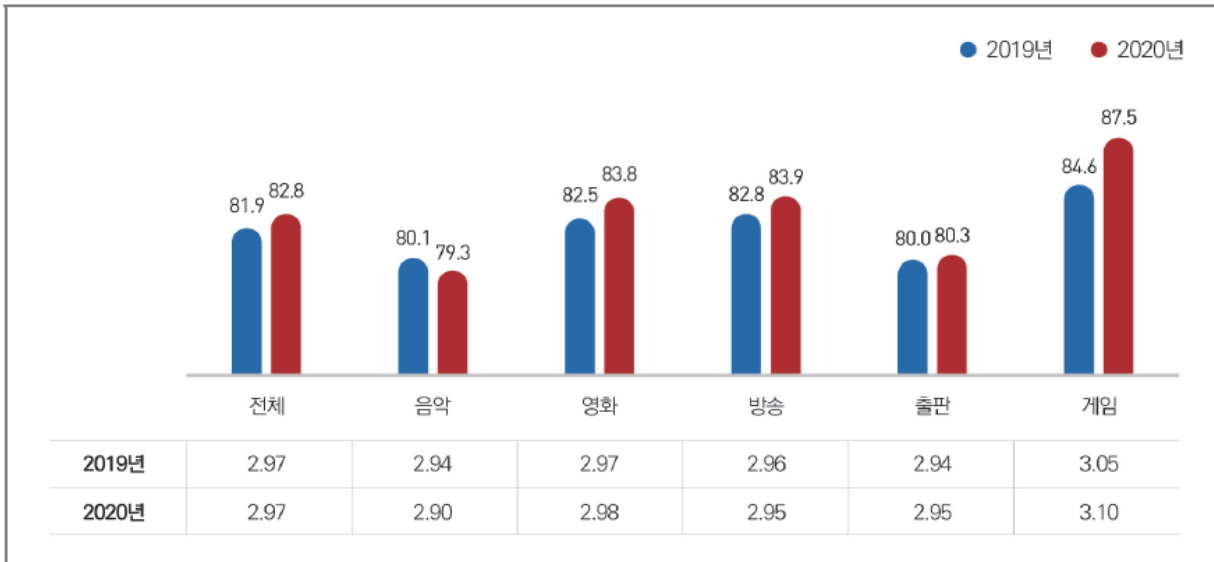
<sup>4</sup> 2021 Annual Report on Copyright Protection (Combined), page 43, Korea Copyright Protection Agency.

<sup>5</sup> 2021 Annual Report on Copyright Protection (Combined), page 117, Table 4-1.

<sup>6</sup> 2021 Annual Report on Copyright Protection (Combined), page 117, Graph 4-1.

▶▶ 그림 4-1 저작권 침해 심각성

(단위: %, 점(4점 만점))



The six columns of data correspond to: Total, Music, Movies, Broadcast, Publications, and Games.

With the exception of music content, the public believes that copyright infringement is more serious in 2020 than in the prior year, with notable increases for movies and broadcasts.

#### B. Public Opinion on Specific Topics/Issues

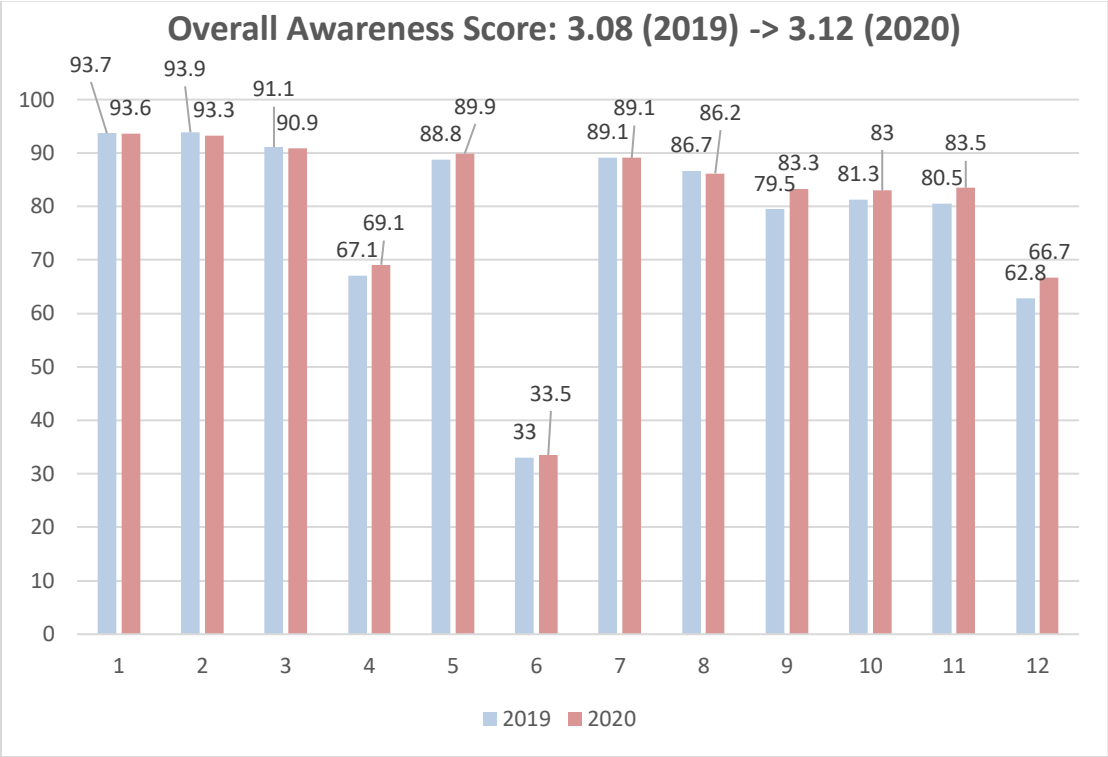
To gain more detailed insight, participants were asked to agree or disagree with 12 specific statements that cover four subject areas: (1) Importance of copyright protection, (2) Use of illegal content, (3) Effect of illegal content, and (4) Legal consequences of using illegal content.

The 12 specific statements are presented below:

Importance of Copyright Protection	(1) Copyright protection is important for the content industry.
	(2) Paying the official price to use the content is important for protecting the rights of creators.
	(3) Paying the official price to use the content makes users proud of themselves.
Use of Illegal Content	(4) I can distinguish whether content is legal or illegal.
	(5) Illegal content should not be used.
	(6) There is a possibility of using content through pirate channels in the future.
Effect of Illegal Content	(7) Use of illegal content harms copyright holders.
	(8) Using illegal content carries the risk of virus infection, hacking, and computer slowdown.

	(9) Illegal content adversely affects economic development.
Legal Consequence of Use of Illegal Content	(10) Anyone who infringes copyright should be held accountable.
	(11) If you engage in unauthorized reproduction of content, you will get caught.
	(12) If caught with an illegal reproduction, the level of punishment will be high.

The responses are reflected in the chart below<sup>7</sup>:



The responses are generally very positive showing that there is a high degree of public awareness for the value of copyrights and the need to protect such rights. Also, a general “Overall Awareness Score” (4 being the top score) is assessed based on a number of factors, and this score slightly improved to 3.12 in 2020 from the prior year. Perhaps the most fertile area for further improvement would be Statement 12. While the number of people who believe that punishment would be serious increased from 2019, the rate of 66.7% does seem open to meaningful improvement.

<sup>7</sup> 2021 Annual Report on Copyright Protection (Combined), page 131, Graph 4-4.

## II. PIRACY LANDSCAPE

### Brief Overview

As reported in the Combined Report, the overall rate of pirated content use<sup>8</sup> for all categories (music, movies, broadcasts, publications, games) decreased from 22.0% in 2019 to 20.5% in 2020.<sup>9</sup> For movies specifically, the rate dropped from 42.8% in 2019 to 41.0% in 2020. For broadcasts, the rate dropped from 31.4% in 2019 to 26.9% in 2020. Of the five categories, movies and broadcasts were by far the 2 most pirated in Korea. For reference, the 2020 figures in the other categories were: music (17.8%), publications (24.4%) and games (24.2 %).

The use of legitimate movie content online in 2020 soared by 42.9%, from 53,886 to 76,992, and the use of pirated movies also increased to 61,352, a 14.5% increase from 2019's 53,570.<sup>10</sup><sup>11</sup>

With respect to offline, the use of legal copyrighted works by offline channels was 12,436 in 2020, a decrease of 31.4% from the previous year (18,118). On the other hand, the number of illegal reproductions of movies by offline use in 2020 was 702, an increase of (382) 83.8% compared to the previous year.<sup>12</sup>

There were positive signs for broadcast content as well. With an increase in both the total number of content use (from 1,454,232 to 1,530,084) and the legitimate content use (from 996,480 to 1,118,544), the number of illegal content use decreased by 10.1% from 457,752 to 411,540<sup>13</sup>. But for offline, the number of illegal content increased to 6,444 in 2020 from 3,996 in 2019.<sup>14</sup>

The KCPA attributes the significant increase in the use of legal works in the film and broadcasting sectors to the growing popularity and wide availability of legitimate streaming services, such as Netflix and WAVVE<sup>15</sup>, in the wake of COVID-19.<sup>16</sup> In particular, such platforms, unlike existing IPTVs, charge on a flat-fee basis in the form of subscriptions, and it has been confirmed that users consume more content under these terms than when charged per

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<sup>8</sup> Percentage of pirated content use versus total content use.

<sup>9</sup> 2021 Annual Report on Copyright Protection (Combined), page 5.

<sup>10</sup> 2021 Copyright Protection Annual Report (Movie), Page 31, Korea Copyright Protection Agency. The reported numbers are based on 20,000 people. With a population of approximately 51 million, these number would need to be multiplied by 2,550 to derive number for the entire population.

<sup>11</sup> "Use" means downloading or streaming a movie, or purchasing and playing a DVD. If the same movie was "used" multiple times, it is regarded as use of one movie. So, the 53,886/76,992 uses of legitimate movie content indicates that legal works were "used" 53,886/76,992 times by being downloaded, played, or purchased.

<sup>12</sup> 2021 Annual Report on Copyright Protection (Movie), Page 31.

<sup>13</sup> 10.1% indicates a decrease in **the number of copies** of illegal broadcasts by online use route in 2020. It went down to 411,540 from 457,752 in 2019

<sup>14</sup> 2021 Annual Report on Copyright Protection (Broadcast), Page 31.

<sup>15</sup> WAVVE is a Korean streaming service launched in 2019 by a joint venture between the three largest broadcasting stations (KBS, MBC, and SBS), and SK Telecom, one of the ISPs.

<sup>16</sup> 2021 Annual Report on Copyright Protection, Page 146.

content.<sup>17</sup> And, overall, as the use of legitimate content increased, the use of illegal content decreased – by 4.5% for broadcasts<sup>18</sup> and by 1.8% for movies.<sup>19</sup>

#### A. Percentage of Population with Experience in Pirated Content

In contrast to the reduction in overall piracy use rates noted above, the number of people with experience in using illegal content has increased in some instances. The following are the survey results showing what percentage of the general Korean population said they have experience in using illegal content:

Table 3-2: Percentage of people who said they have experience using illegal content<sup>20</sup>

Description	Music	Movies	Broadcasts	Publications	Games
2019 Total	41.6	41.5	43.0	24.6	20.8
2020 Total	39.0	42.5	36.3	27.9	19.6
2019 (Online)	41.3	41.4	42.9	20.8	20.5
2020 (Online)	39.0	42.4	36.2	24.3	19.1
2019 (Offline)	5.0	1.9	3.2	12.8	1.7
2020 (Offline)	-	2.8	3.1	14.1	2.8

Notably, the percentage increased for movies (+1% online, and +0.9% offline), while the numbers dropped for broadcasts (-6.7% online, and -0.1% offline).

#### B. Pirated Content Use Data

The following table shows the total number of illegal content uses (per 20,000 people)<sup>21</sup>:

Type of Work	Distribution Channel	Year	
		2019	2020
Music	Online	903,420	904,612
	Offline	16,392	2,640

<sup>17</sup> 2021 Annual Report on Copyright Protection, Page 146. The KCPA based this proposition on two theses: (1) “A Comparison of Price Strategies in the Music Market: Flat Rate and Pay-as-you-go System” by Professor Youngduk SEO, and (2) “A Comparative Study on Internet Pricing: Flat Rate System, and Pay-as-you-go System,” by Professor Jae Do SONG.

<sup>18</sup> A decrease in 4.5% means illegal copying use **rate**. In 2020, the use rate of illegal copies of broadcasting was 26.9%, down by 4.5% from the previous year (31.4%).

<sup>19</sup> 2021 Annual Report on Copyright Protection, Page 147.

<sup>20</sup> 2021 Annual Report on Copyright Protection (Combined), Page 54, translated reproduction of Table 3-2.

<sup>21</sup> Translated reproduction of table 3-1-1, page 152 – 2021 Copyright Statistics.

	<b>Subtotal</b>	<b>919,812</b>	<b>906,252</b>
<b>Movies</b>	Online	53,570	61,352
	Offline	382	702
	<b>Subtotal</b>	<b>53,952</b>	<b>62,054</b>
<b>Broadcasts</b>	Online	457,752	411,540
	Offline	3,996	6,444
	<b>Subtotal</b>	<b>461,748</b>	<b>417,984</b>
<b>Publications</b>	Online	15,144	15,804
	Offline	6,804	6,148
	<b>Subtotal</b>	<b>21,948</b>	<b>21,952</b>
<b>Games</b>	Online	9,208	11,254
	Offline	274	454
	<b>Subtotal</b>	<b>9,482</b>	<b>11,708</b>
<b>Total</b>	Online	1,439,094	1,403,562
	Offline	27,848	16,388
	<b>Grand Total</b>	<b>1,466,942</b>	<b>1,419,950</b>

To put the numbers into perspective, Korea has a population of over 51 million, so the figures above (based on 20,000 people) should be multiplied by 2,550 to get the total number. In other words, extrapolating for the entire population of Korea, for 2020, the data estimates a total of about 158 million illegal uses for movies, and 1 billion for broadcast content.

### C. Routes to Pirated Content for Movies and Broadcasts

Looking at the data on how pirated content is accessed, the chart below shows the data for pirated movies<sup>22</sup>:

<sup>22</sup> Translated and edited reproduction of table found on page 154 – 2021 Copyright Statistics.



## Movies

Use Route		Year							
		2019				2020			
		Download	Streaming	Offline	Total	Download	Streaming	Offline	Total
Online	Webhard/P2P	4,318	3,530	0	7,848	6,672	3,024	0	9,696
	Community sites	2,642	3,038	0	5,680	4,752	5,308	0	10,060
	Torrents	5,592	0	0	5,592	4,934	0	0	4,934
	UCC sites	6,766	13,380	0	20,146	8,000	12,792	0	20,792
	Social media	3,448	3,762	0	7,210	3,776	5,408	0	9,184
	Streaming Link sites	0	7,094	0	7,094	0	6,686	0	6,686
Offline	Street vendors	0	0	382	382	0	0	702	702
<b>Total</b>		<b>22,766</b>	<b>30,804</b>	<b>382</b>	<b>53,952</b>	<b>28,134</b>	<b>33,218</b>	<b>702</b>	<b>62,054</b>

As can be seen from the data above, offline piracy constitutes a very minor portion – 702 of 62,054 instances (i.e. 1.1%), and the vast majority of illegal use is achieved from online platforms (98.9%). Among the online platforms, UCC sites have far larger numbers but appear to be holding fairly steady. However, there were significant increases for Webhard/P2P (+24%), Community sites (+77%) and Social media (+27%), while the numbers actually fell for Torrents and Streaming Link sites.

The chart below shows the data for pirated broadcasts<sup>23</sup>:

## Broadcasts

Use Route	Year	
	2019	2020

<sup>23</sup> Translated and edited reproduction of table found on page 154 – 2021 Copyright Statistics.

		PC	Mobile	TV	Offline	Total	PC	Mobile	TV	Offline	Total
Online	Webhard/P2P	22,716	28,116	0	0	50,832	31,992	29,772	0	0	61,764
	Community sites	40,188	81,036	0	0	121,224	54,564	86,292	0	0	140,856
	Torrents	27,936	16,416	0	0	44,352	28,920	18,168	0	0	47,088
	Social media	36,876	110,808	0	0	147,684	23,580	49,932	0	0	73,512
	Streaming Link sites	39,600	54,060	0	0	93,660	37,140	51,180	0	0	88,320
Offline	Street vendors	0	0	0	3,996	3,996	0	0	0	6,444	6,444
<b>Total</b>		<b>167,316</b>	<b>290,436</b>	<b>0</b>	<b>3,996</b>	<b>461,748</b>	<b>176,196</b>	<b>235,455</b>	<b>0</b>	<b>6,444</b>	<b>417,984</b>

As expected, the vast majority of piracy is taking place on online platforms (98.5%). For broadcasts, most of the piracy takes place on Community sites for 2020, but in 2019, Social media was the leading platform. There were notable increases in the numbers for Webhard/P2P (+22%), Community sites (+16%), and Torrents (+6%). However, there was a decrease for Streaming Link sites and a significant drop for Social media (-50%). The 50% drop in the use of social media for pirated broadcasts may not represent the actual drop of illegal broadcast content on social media.

As seen below, in the previous survey in 2019, legitimate broadcasts were not surveyed, but in the 2020 survey, the survey started making a distinction between legitimate content (117,264) and pirated content (73,512)<sup>24</sup>.

		합법복제물	19/20	20/20	변동률
SNS	제휴	합법복제물	-	117,264	-
	비제휴	불법복제물	147,684	73,512	-50.2

By way of background, the KCPA explained that when they prepare an annual report, they have several discussions with their advisory board that include major TV networks in Korea. And the representatives from the TV networks advised that they entered into a contract with a couple of social media platforms, including Facebook and Instagram, so that their legitimate content becomes available.

<sup>24</sup> 2021 Copyright Protection Annual Report (Broadcasting), Page 30, Korea Copyright Protection Agency.

We note that for movies, there is no such distinction for social media. According to the KCPA, that is because there is no legitimate movie content on social media provided by rightsholders. But unlike for broadcast, legitimate and pirated movie content were divided for UCC sites (i.e. YouTube) because some movie studios make their works available on social media platforms<sup>25</sup>.

UCC 사이트	제휴	합법저작물	2,704	2,790	-	5,494	3.6
	비제휴	불법복제물	8,000	12,792	-	20,792	13.7
SNS		불법복제물	3,776	5,408	-	9,184	6.1

### III. GOVERNMENT ENFORCEMENT EFFORTS/STATISTICS

In 2016, the Korea Copyright Protection Agency (“KCPA”) was created as a division of the Korea Copyright Commission (“KCC”). The primary mission and purpose of the KCPA is to protect and enforce copyrights. Through extensive monitoring efforts, the KCPA identifies illegal content and takes enforcement measures. One of those measures is to issue Recommendation of Correction (“RoC”) to the online service providers to suspend or delete illegal content<sup>26</sup>.

The following is a table summarizing the RoC details for the period of 2015 – 2020, segregated by each content type:

Type of Work	Content of RoC	Year					
		2015	2016	2017	2018	2019	2020
Software	Warning	5,866	1,784	4,399	6,831	6,780	3,281
	Deletion/	5,704	1,664	4,225	6,748	6,726	3,261

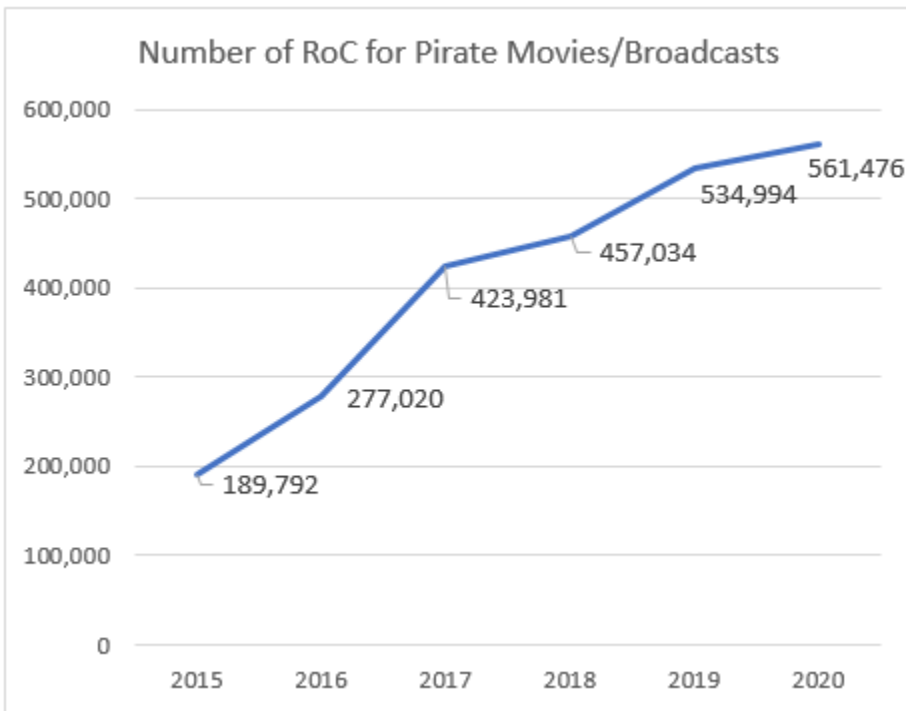
<sup>25</sup> 2021 Copyright Protection Annual Report (Movie), Page 32, Korea Copyright Protection Agency.

<sup>26</sup> The Graduate Response System starts with the KCPA sending RoCs to OSPs regarding: (1) to send a warning, and/or (2) to delete or stop transmission of allegedly infringing material. If OSPs do not comply with the RoCs, then the KCPA requests the MCST to send Correction Orders to the OSPs. On the other hand, the Three Strikes Policy refers to an order to suspend infringers’ accounts, and an order to suspend part or all of an online bulletin board or service. Specifically, the MCST may order OSPs to suspend infringer users’ accounts for up to six months, after giving three warnings (RoC) to remove or block allegedly infringing content. With respect to the suspension of the board, it is also against the online board/services that have received three orders from the MCST, and have been deemed to significantly harm copyrights in light of the type/nature of its service, volume/nature of available content, etc.

	Cease of Transmission						
	Subtotal	11,570	3,448	8,624	13,579	13,506	6,542
<b>Games</b>	Warning	733	8	9,855	4,043	8,463	5,895
	Deletion/ Cease of Transmission	731	8	9,776	4,010	8,406	5,873
	Subtotal	1,464	16	19,631	8,053	16,869	11,768
<b>Videos</b>	Warning	95,362	141,797	224,931	237,094	275,758	282,986
	Deletion/ Cease of Transmission	94,430	135,223	199,050	219,940	259,236	278,490
	Subtotal	189,792	277,020	423,981	457,034	534,994	561,476
<b>Music</b>	Warning	1,755	4,948	20,781	19,476	15,905	14,406
	Deletion/ Cease of Transmission	1,565	4,256	18,502	18,060	14,273	13,344
	Subtotal	3,320	9,204	39,283	37,536	30,178	27,750
<b>Publications</b>	Warning	170	118	8,314	8,857	8,947	3,788
	Deletion/ Cease of Transmission	169	113	8,308	8,855	8,938	3,736
	Subtotal	339	231	16,622	17,712	17,885	7,524
<b>Comics</b>	Warning	29,260	4,111	23,294	18,633	29,061	39,642
	Deletion/ Cease of Transmission	29,169	4,065	23,173	18,617	29,028	39,618

	Cease of Transmission						
	Subtotal	58,429	8,176	46,467	37,250	58,089	79,260
<b>Others</b>	Account suspension	68	182	235	252	238	240
	<b>Total</b>	<b>264,982</b>	<b>298,277</b>	<b>554,843</b>	<b>571,416</b>	<b>671,759</b>	<b>694,560</b>

We were informed by the KCPA that their focus is heavily on video content, which is reflected in the above data. For convenient reference, the following is a chart of RoCs issued specifically for video content (i.e. movies and broadcasts):



Taking the most recent year of 2020 as an example, of the 694,560 total notices issued, 561,476 (i.e. 81%) were for video content.

The following shows the data of notices sent, segregated by the type of platform involved:

Type	2015	2016	2017	2018	2019	2020
<b>Webhard</b>	137,460	233,015	496,862	499,349	591,909	626,457
<b>P2P</b>	0	42	1,342	0	0	0

<b>Portal/community services</b>	112,892	62,197	55,300	70,952	79,846	67,206
<b>Torrent/streaming</b>	14,630	3,023	1,339	1,115	4	897
<b>Total</b>	264,982	298,277	554,843	571,416	671,759	694,560

It is worth noting that the KCPA has managed to increase the number of notices issued each year, and enforcement efforts appear to be heavily concentrated on Webhards.

## Appendix: Definitions

- “Movie” refers to the entirety of a film (about two hours), excluding a trailer or short clip of about less than 10 minutes.
- “Broadcast” refers to the entirety of a video, excluding a trailer, short clip, or movie intended for theater release or streaming services (e.g., Netflix).
- “Webhard” means an online storage where, like a hard drive, users can upload and store data or files (e.g., Ssadafile (<https://ssadafile.com/>), and Filebogo (<https://www.filebogo.com/>)).
- “P2P” means a service through which people are directly connected to one another to share files online. According to the KCPA, only few P2P services exist.
- “Torrent” means a filing sharing program, where multiple people share files with each other, rather than a 1-on-1 sharing through P2P services (e.g., torrentsee (<https://torrentsee106.com/>), and torrentdia (<https://www.torrentdia18.com/>)).
- “Portal” and “Community Sites” mean an online space where people form a social relationship by communicating with each other, or sharing information (e.g., Facebook Group).
- “Use” means downloading or streaming a movie or a broadcast, or purchasing and playing a DVD. If the same movie was “used” multiple times, it is regarded as use of one movie (“1 편 이용”). For use of broadcast, if the same broadcast was used multiple times, it is regarded as use of one broadcast. But a separate episode is treated as a different work.
- “Illegal/pirated content” means a work produced, reproduced, or distributed, online or offline, without rightsholders’ permission.
- “The amount of legal/illegal works used” (합법/불법저작물 이용량) refers to the number of copies of legal/illegal works “used (defined above).” In order to understand the actual use of illegal reproductions, the survey was conducted with “real users.” Based on the time of the survey, the past experience of using illegal works (the last one month for music and broadcasting, and the last six months for movie, publication, and game) was traced back and converted into annual usage<sup>27</sup>. The KCPA explained that the numbers indicated in the reports are based on 4,000 responses for each type of work, and not extrapolated for the entire population. So, the figures indicating the amount of legal/illegal works used do not represent the total use of the entire population, and the main purpose of collection of this data was to see a larger/general trend.
- “Ratio of legal/illegal works used” (합법/불법저작물 이용률) refers the percentage of the use of legal/illegal works to the total content (the sum of legal works and illegal works) used by the respondents nually (= the number of legal/illegal works used / the sum of legal works and illegal works \* 100).

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<sup>27</sup> 2021 Annual Report on Copyright Protection (Combined), page 43, Korea Copyright Protection Agency.