

Abstract**Rethinking 'New Wine into New Wineskin' in Information Society**
- the relation between the e-book access to the public and the protection
of authors in case of Authors Guild *et al v.* Google Inc.

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This article aims to grasp the issues of Authors Guild *et al v.* Google Inc., and seeks possible solution(s) on problems originating from the case in relations to the Article 35ter (Fair Use Rule) of Copyright Act of Korea. This paper observes whether the reproduction and display of the copyrighted works without licensing is considered as a copyright infringement under the circumstances of the book- search database development in Digital Age. Authors Guild *et al v.* Google Inc. shows the legal reasoning for the application of fair use doctrine, and construing the purpose of Copyright Act of the USA. The main issue on the application of this fair use doctrine is whether to be served as the public benefits from the book-search database.

This paper examines the argument that the fair use doctrine in Korea is applied flexibly based on the purpose of Copyright Act in information society, compared with the USA practice. Also it focuses to recognize the normative reality of copyright law in which seeks its transformation to information society, and hopes to lead to the contribution in constructing the legal theory of fair use doctrine in Korea.

Keywords

purpose of Copyright Act, fair use, transformative purpose(use), digital library, e-book, information society, public benefit

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