

Abstract

A Study on the Free Use of Public Works
- Focused on the Seoul Central District Court's 2019 Gadan
5207564 Decision -

Yoo, Ji-Hye*

The Copyright Act has regulations on the free use of public works that guarantee the free use of public works by limiting the copyright of works produced with the government's budget. According to the relevant regulations, the copyright of public works of the state or local governments is restricted, and the copyright of public works of public institutions under the Act on the Management of Public Institution is not restricted, but need to follow to government policies. As part of the policies, KOGL is being implemented to indicate the scope of free use and permission to use public works. Recently, a copyright infringement occurred due to an error in the application of KOGL.

The case only dealt with whether the user infringed the copyright, but cases of misrepresenting the scope of the license due to a mistake of a public institution may continue to occur, and it could cause reliability problems for the actions of public institutions. On the other hand, the Act On Promotion Of The Provision And Use Of Public Data('Public Data Act') regulates the provision and use of public data, which is a concept overlapping public works, and there is a concern about inconsistency with the free use system of public works under Copyright Act.

In this background, this paper reviews the Seoul Central District Court's decision on April 9, 2021, compares and analyzes the free use of public works under the Copyright Act and the Public Data

* NIA, Principle researcher(Ph.D. in Law)

Act, and suggests implications and improvement.

Keywords

public works, public data, open data, license, open license, KOGL,
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