

ABSTRACTS

The concept of substantial similarity is one of the most important tools in the intellectual property law. Even though the meaning of 'substantial' and 'similarity' is uncertain and abstract in the law, substantial similarity test in the copyright law is one of the requirements in judging copyright infringement.

The purpose of this article is to review the American theories on the requirements in copyright infringement and substantial similarity test and to introduce them to Korea. In addition, this article intends to abstract copyright infringement requirements from the Korean copyright infringement cases, to filter substantial similarity test, and to compare it with that of US court case.

Keyword : copyright infringement, plagiarism, access, substantial similarity, similarity, bifurcated test, two-step test, extrinsic test, intrinsic test, total feel and concept