

ABSTRACTS

The disputes as to copyright protection and filing sharing of copyrighted materials in P2P service have been intensive. The most controversial has been P2P service provider's civil liability on copyright infringement by P2P users. Among those debates, there have been joint tort theory, contributory liability theory, vicarious liability theory, inducement liability theory, and so on.

It is needless to say that we have to protect not only copyright but also P2P technology. It is, furthermore, necessary to compromise interests among copyright holders, P2P service provider, and P2P users. Therefore, it may be better a choice to adopt contributory liability, vicarious liability, inducement liability and Sony Betamax theory even in Korean digital environment. In particular, inducement liability will help to prohibit pure P2P service provider from inducing, causing, or materially contributing to the infringing conduct of another.

It may, moreover, be one of the most important policies as to P2P service for Korean government to establish the reasonable P2P payment system on the music P2P service. In the long run, those policies will protect not only copyrighted materials but also P2P technology.

Keyword : P2P Service Provider, Copyright, Joint Tort, Contributory Liability, Vicarious Liability, Inducement Liability, Non-infringement Use, Fair Use, technological measure