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ABSTRACTS

On the Internet, UCC(user created contents) has created the need for lawmakers and copyright owners to find ways of addressing intellectual property issues specific to Web 2.0. UCC encompasses numerous types of media contents that are produced and submitted by everyday users of Web services. Unlike traditional media contents, which are usually produced only by professional writers, directors, and media companies, UCC contents are frequently created by people with virtually no level of technical or creative experience. The most popular Web site is the video-sharing site YouTube. UCC differs from traditional contents not only in the manner in which it is created but also in the way rights to and liabilities arising from such contents are allocated. In the United States, section 512 of DMCA governs the relationship between certain OSPs and end users who upload contents on the internet. At the core of the protection that OSPs enjoy from section 512 are its notice and takedown provisions. Lenz v. Universal Music case deals with YouTube and the section 512 takedown-notice provisions. At the center of the case is whether fair use is ever self-evident (as Lenz claims) or is a fact-specific determination that must be made on a case-by-case basis in court. The court held that Universal and other copyright owners are forced to make an analysis of fair use and decide whether a work is fair use before they send takedown notices to potential infringers. Lenz case would affect the interpretation of the fair use provisions which is still pending in Korean Congress.

Keywords : UCC, YouTube, Section 512 of DMCA, OSP, takedown-notice, Lenz case, fair use