

## ABSTRACTS

The Korean Copyright Act was amended in 2009 to provide that the Minister may demand the OSP to warn repeat infringers of copyright, to delete illegal copies, to suspend the account of repeat infringers, and to suspend the service of BBS within six months. This has caused the issue of the conflict between copyright protection and freedom of speech. This paper argues that the newly adopted provision does not violate the freedom of speech. This paper deals with debates on the relationship between copyright and freedom of speech in the US, and shows many arguments for the copyright protection against freedom of speech. In particular, this paper compares the new provision to those of another Act providing that the Minister may order service providers to reject services for infringers, which met the test for freedom of speech by the Constitutional Court. While this paper concludes the Amendment will contribute to the protection of copyright, it argues the fair use doctrine be adopted in the Copyright Act to provide the public more access to the copyrighted works.

**Keywords** : copyright, fair use, three-strike out, demand to deleted illegal copy, demand to warn repeat infringers, infringement, freedom of speech, OSP(online service provider), market failure