

ABSTRACTS

Due to the recent development in science and information and communication technology, the territory of intellectual property has been widened drastically to digital contents and programs. Since the current copyright policy based on analog environment has caused some issues, the focus is moving toward the regulation of using rather than regulation of reproduction.

Recently, copyright owners tend to rely on technologies to protect their rights. However, technologies are not a perfect solution because they may easily be circumvented. Copyright owners have lobbied to prevent the circumvention of their technologies. Their efforts have been successful, resulting in anti-circumvention statute. Under this statute, the circumvention of technological measure to control access to or to protect rights is prohibited.

However, technological measures, in particular, access control may effectively usurp fair use of copyrighted works. Courts should apply the anti-circumvention provision very careful in order not to harm fair use privileges.

Keywords : technological protection measures, copyright misuse, program works, incapacitation act, incapacitation act forbidden clause, access control