

## ABSTRACTS

Korea, the most wired country, has gone through social chaos including DDos(Distribute Denial of Service) incident caused by hacking. In the meantime, hacking incidents have been resolved by active efforts to curb hacking, but there are some problems about infringing copyrights in that reverse engineering or reverse analysis is indispensable to make efforts for anti-hacking.

According to the conventional construction of reverse-engineering statute, reverse engineering can be justified only for interoperability. If there is reverse analysis for other purposes, temporary intermediate copying will infringe right to reproduce, and this construction would treat anti-hacking as illegal acts.

However, program reverse analysis statute(Copyright Act Article 101d) should be construed consistently with Copyright Act Article 101c and fair use doctrine. Therefore, it will be desirable for program reverse analysis to be allowed through 2-step legal structure. In other words, it should comply with principle of Copyright Act which does not allow monopolization of ideas, by allowing program code reverse analysis as wide as possible under Copyright Act Article 101c (1) 6 and fair use doctrine, unless program code reverse analysis with the purpose of developing competitive program. Still, if there is development of competitive program using the information from reverse analysis or borrowing creative part of reverse analyzed program for the purpose of interoperability, it would constitute copyright infringement.

This way of construction has merits in that it is essential to construe reverse engineering as social needs legally and it can derive the same from conclusions of the courts of the United States.

**Keywords** : hacking, anti-hacking, reverse engineering, program reverse analysis, interoperability, fair use doctrine