

ABSTRACTS

The majority of online copyright infringement occurs on internet sites provided by Online Service Providers (“OSPs”). In the past, OSPs were often targeted in terms of legal liability simply because it is difficult to identify the actual perpetrators, i.e., the individuals that illegally copy, transmit, and distribute contents online. Even when these individuals are successfully identified and prosecuted, they are typically unable to bear the financial burden of the damages awarded to the copyright holders. Nevertheless, international treaties and laws that require OSPs to disclose such perpetrators’ personal information to the copyright holders have been enacted in countries such as the U.S. and Japan as well as the EU to address situations where it is necessary for copyright holders to bring suits directly against individual perpetrators, or where access to their personal information is required, in relation to the OSPs’ secondary liability, for determining the extent of the losses incurred and the reparations necessary. The Korean government is expected to introduce similar regulations because of the KORUS FTA. As a result, protection of privacy has become an issue, more specifically regarding the classification of applicable OSPs and the establishment of appropriate conditions and procedures when disclosing personal information. This paper first surveys relevant regulations in the U.S., EU, and Japan, as well as the current regulations in Korea. It then discusses important factors to consider when implementing new regulations on disclosure of personal information, in the following order: identifying the appropriate regulatory body to authorize such disclosure; classification of applicable OSPs; conditions and procedures required for such disclosure; and other considerations.

Keywords : Copyright, Infringement of Copyright, Personal Information, Online Service Provider(OSP), Regulations on Disclosing Personal Information, Subpoena, KORUS FTA.