

ABSTRACTS

Even though E-learning has been one of the innovative means of education which became applicable due to the advent of internet, the Korean related industry is still stuck in the elementary stage. As this article mentioned in detail, Open Course Ware's recent situations made by the many US universities who have already accumulated years of experience give us implications in many respects.

OCW seems to secure its own legitimacy through Section 107 of US Copyright Act which is a comprehensive fair use provision because TEACH Act 2002 could be applied only to students officially enrolled in the course , though the above TEACH Act had been introduced to set up special copyright restrictions in the US Copyright Act for e-learning.

Likewise, the section 28 of the Korean Copyright Act which can be applicable to a broader scope than the section 25 which might be only applied to the class room teaching will function as a ground for the Korean open e-learning.

Even if it is basically true that the transmission, a method of e-learning, could be a huge threat to the essential interests of the copyright holder, I argue Korean courts in the future should avoid taking too rigid a attitude in recognizing the reasonable realm of copyright restriction clauses such as the above section 28 because open e-learning has a very large potential value based on public interest.

The universities which have usually a high level of fairness in nature are expected not to exploit such recognition as an excuse for the willful copyright infringement, even though Korean courts in the future will do so.

keywords : e-learning, internet learning, copyright, open course ware, ocw