

## Abstract

Search engine caching and copyright of news content: centering on the case of 'Copiepresse vs. Google'

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Search engines generally make copies of websites, store them in a cache memory, and service them to users through cache links. This study analyzes the main issues of the case of 'Copiepresse v. Google' adjudicated in a Belgium court from 2006 till 2011, which settled that Google's cache link service was a copyright infringement to media and other companies. Even though Google claimed that caching was acknowledged as a temporary copy and storage, and that it met a condition of safe harbor from the infringement, the court held that the Google search engine linked users to cached copies without leading them to original websites, leading to copyright violation. It shows that even though content providers (CPs) allowed the search robot to search their websites, it should not be thought as a 'implied licence' of the news service to cache the content. This judgment marks a big difference from several cases concerning caching in American courts. US courts have looked upon caching as an essential part of the technological process for an Online Service Provider (OSP), have interpreted fair use more liberally, and have mostly supported search engines over copyright because the publishers of websites have technical methods to permit or not to permit search robots to make copies of their sites. This paper points out that the issue of caching should receive closer attention, and discusses the news service of main portal sites on the occasion of the KORUS FTA and KOR-EU FTA as follows: Is caching an inevitable process of technology for the service of an ISP?; If it should be permitted, for how long may the temporary storage be?; Is there any possibility of copyright infringement by search engine by such as click fraud?; How could the risk be defended technologically and managed clearly; and so on.

Keywords : Search engine, Caching, Copyright of news content, Safe harbor, Google, Copiepresse