

Abstract

A comparative study on the ‘Right of Information’ against online service provider

Kim, Byung-II

The right of information mentioned in Article 18.10 of the KORUS FTA(Article 10.16 of KOR-EU FTA) has been introduced in Korea. It is new to Korea. Such right of information(Auskunft) can be ordered as a final remedy, or in the course of interim procedures by courts. Article 10.45 of KOR-EU FTA Ch. 10 requires persons who are found in possession of infringing goods on a commercial scale or professional service providers to provide “information on the origin and distribution networks of the goods or services” upon request of the plaintiff. The information shall comprise the names and addresses of the producers, manufacturers, distributors, suppliers and other previous holders of the goods or services. However, the amended Korean Copyright Act does not provide that competent authorities may provide safeguards against misuse, against use in civil or criminal proceedings, against misuse of confidential information or in order to “afford an opportunity for refusing to provide information which would force the person to admit his own participation in an infringement.” The purpose of this article is to show the legal issues about the right of information provision related to copyright enforcement.

Keywords : Copyright, Liability of OSP, FTA Right of Information