

Abstract**Copyright Infringement and Remedy**

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A standard determining the scope of protection for intellectual property including copyright is often being a vague conception (or open conception) and it is, therefore, highly likely to flow to a subjective judgment. For this reason, defining the scope of protection often becomes a major issue in copyright disputes. The scope of copyright protection could be largely categorized into the inner protected scope and the outer protected scope. A defining of the inner protected scope is by separating the protected parts from the unprotected parts in a single copyrighted work. On the other hand, a defining of the outer protected scope involves determining a boundary of the protection of copyrighted work in relation to other works.

This paper explores an issue involving the scope of protection in determining the copyright infringement both in theory and practice in Korea. Further, the application of tort remedy for the action which does not amount to the direct infringement of copyright which recently becomes an issue, is to be discussed. By doing so, we will have an opportunity to retrace the Korean copyright theory and practice, the influence of the theory and practice of other countries, and the current theoretical and practical position of Korea.

Keywords

Copyright infringement, Substantial similarity,

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