

Abstract

**A Study on Criminal Punishment against Online  
Infringement of Copyright**

— Focusing on Suspension of Indictment Under the Condition of  
Education on Copyright —

Yun, Si-On\* · Kim, Byung Joo\*\*

The Copyright Act imposes criminal penalties on copyright infringers to upload or download online contents without permission of copyright holders. However, the criminal punishment has not been able to protect copyright effectively so far. As an alternative, a new system “*Suspension of Indictment Under the Condition of Education on Copyright*” has been introduced. But this system has its immanent limits. First, it conflicts with the principle of presumption of innocence which is one of the basic principles of the Constitution and the Criminal law. Second, the implementation of this system is hardly effective to protect copyright.

This study examines appropriateness and efficiency of current criminal protection measures in copyright law by comparing with the law of other countries including the United States, France, Japan, and Germany on correlation between criminal punishment and crime rates, and regulations on online copyright infringement.

This study also presents the following alternatives to protect copyright and to develop the level of copyright recognition. First, education on copyright should be added in regular curriculum. Second, the Copyright Act should be reformed categorizing criminal penalties according to the seriousness of the infringement. Third, a warning system for copyright infringement should be introduced. Lastly, the compensation system for replication of online contents should be introduced.

**Keywords**

Online Infringement of Copyright, Protection of Copyright by Criminal Law,  
Suspension of Indictment Under the Condition of Education on Copyright.

\* KonKuk Law School Student

\*\* KonKuk Law School Student