

Abstract

**Legal Study on Copyright Issues
in the Cloud Computing Services***

- Focusing on Private Copying and Fair Compensation -

Cha, Sang-Yook**

According to development of digital network, the cloud computing service is becoming the focus of public attention, Internet Users need to examine the probable legal risks prior to diverting to cloud computing system every day. One of expected legal risks is a risk of violating right to reproduce concerning the copyright law. In other words, a legal area in which is becoming major point of issues with development of cloud computing services is copyright. By the way, many issues seem to be remain unresolved with regard to the potential copyright disputes with this cloud computing services. In conclusion, this Article offers that European private copying levy system need to be introduced in our copyright system as soon as possible. It is a point that we need to modify that such levy system to meet our standards and taste. Our copyright law should balance the interests of, inter alia, creators and consumers. As a result, a more widely conceived exception that would cover private activities that take place in digital networks should be allowed. And our consumers should have the right to make private copies of legally acquired content. On the other hand, we need to consider that the private copying levy should apply to all digital material and media used for private recording and storage capacity where private copying acts cause harm to creators. And We must do everything to simplify procedures to introduce the concept of "fair compensation". Lastly, private copying exception arrangements should apply to certain online services, including certain cloud computing services.

* This work was supported by the Ministry of Education of the Republic of Korea and the National Research Foundation of Korea (NRF-2015S1A5A8018156).

** Professor, Law School, Kyungpook National University/Attorney at Law.

Keywords

Cloud Computing Service, Copyright, Private Copying, Fair Compensation, Private Copying Levy System, AHRA(Audio Home Recording Act of 1992)

참고문헌

1. 국내문헌

[단행본]

- 미래창조과학부·정보통신산업진흥원, 『클라우드컴퓨팅법 해설서』, 정보통신산업진흥원 (2015. 12).
- 박덕영·이일호, 『국제저작권과 통상문제』, 세창출판사(2009).
- 박성호, 『저작권법』, 박영사(2014).
- _____. 김병일, 『저작권 위탁관리업 개선방안 연구』, 문화체육관광부(2016. 4).
- 송영식·이상정, 『저작권법개설』 제5판, 세창출판사(2009).
- _____. 이상정, 『저작권법개설』 제8판, 세창출판사(2012).
- 오승중, 『저작권법 강의』, 박영사(2016).
- _____, 『저작권법』 제2판, 박영사(2012).
- _____, 『저작권법』 제3판(전면개정판), 박영사(2013).
- _____, 『저작권법』 제4판(전면개정판), 박영사(2016).
- 이해완, 『저작권법』 제2판, 박영사(2012).
- _____, 『저작권법』 제3판(전면개정판), 박영사(2015).
- 임원선, 『실무자를 위한 저작권법』 제4판, 한국저작권위원회(2015).

[논문]

- 김경숙, “수업목적 복제보상금제도의 문제점”, 『법학연구』 제22권 제1호, 경상대학교 법학 연구소(2014. 1).
- _____, “일본의 사적녹음녹화보상금제도의 현황 및 시사점”, 『강원법학』 제40권, (2013. 10).
- 김병일, “어문저작물 전송서비스와 저작권 권리처리”, 『정보법학』 제13권 제1호, 한국정보 법학회(2009. 4).
- _____, “인터넷 기반 송신서비스의 저작권문제-일본 최고재의 마네키TV 사건 및 로쿠리쿠 II 사건을 중심으로-”, 『정보법학』 제15권 제3호, 한국정보법학회(2011).
- _____, “정보의 공유와 이용에 관한 법적 쟁점”, 『저스티스』 통권 제146호(특집호 1), 한