

Abstract

Law and Policy Study on Reverse Engineering Provisions under the Copyright Act

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Reverse engineering is a means to acquire the information contained in existing products and necessary to improve computer programs, correct computer program errors, ensure interoperability between computer programs, study software technology and so on. So, it has been commonly used in software-related industries including students, scholars, technical practitioner, etc. And because there has been controversy over the free use of computer programs for it, it is necessary to consider the technical, market and legal environment to set the appropriate author's property rights restrictions on it.

Although no lawsuit has been filed against the provisions related to reverse engineering domestically since those were newly established in the Copyright Act, what the legal issues for it actually exist is supported by the facts that lawsuits about those can arise at any time now or in the future, developers feel the need for legal grounds for it and overseas cases has been until recently. And although there have been discussions on the limitations and problems of the current provisions related to it, the Ministry of Culture, Sports and Tourism has been carrying out research projects considering the revision of the Copyright Act from 2016 and then a research report was published in November 2016 as a part of these, so law and policy discussions on these provisions is needed.

Therefore, this study discuss law and policy considerations for reverse engineering, looks further into issues related to the limitation, amendment and deletion of Article 101-4, and then examines the possibility that article 35-2 and other provisions restrict author's property rights for reverse engineering undertaken for the purpose other than to achieve the interoperability.

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Keywords

Copyright Act, Software, Computer Program, Reverse Engineering, Black Box Analysis, Decompilation of Program Codes, Disassembly, Decompilation, Interoperability, Restriction Onto The Author'S Property Rights, Fair Use

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