

**Abstract**

**Legal Liability of Link Site of Copyright Law**

- Supreme Court of Appeal Decision 2017Da222757 Decided September 7, 2017 -

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A hyperlink is a technological means to let users be accessible directly to the desired information with one click by connecting all the Websites on the Internet. Links serve to make sharing and distribution of information available on the Internet by making Internet users extremely useful. On the other hand, by contributing the distribution of illegal copyrighted works, the link could also prejudice the interests of the copyright holders.

It is not only the problem of our own country how to hold the link site responsible for helping users easily find illegal copyrighted materials posted on other Websites. The United States has ruled that the link site could be indirectly responsible in the Google case, and also the European Court of Justice has held preliminary rulings that it could be a violation of copyright itself if linking site meets the specific requirements. The Korean court has repeatedly denied even responsibility of assistance by ruling that the link itself is not the act of using a copyrighted work.

However, this case ruled that the linking site shall take a responsibility for linking users to the Website posting illegal copyrighted works,- by ruling the direct responsibility on the 1st instance and the indirect responsibility on the second in stance. Given the fact that the regulation of the online service providers of our copyright law referred to the U.S. Copyright Law, it is meaningful that the court of appeals takes the same stance as the ruling of the U.S. Court to accept the responsibility of assistance. However, the fact that the Supreme Court didn't rule on the responsibility of assistance implies that there is still some controversy going on.

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## Keywords

Link Site, Responsibility of Assistance, Indirect Infringement, Direct Infringement, The Duty of Care, Hyperlink, Embedded Link, Online Service Provider's Liability Limitation, Thumbnail Image

## 참고문헌

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