

Abstract

Interlocutory Judgment on Copyrightability in Copyright Infringement litigation

- It's Meaning and Effective Application from the Perspective of the Civil Procedure Law -

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In the proceedings of a copyright infringement case, the court usually precedes the trial of whether the act of the defendant infringes the copyright, which is called “theory of infringement”. As a result, if the court finds that the defendant's actions constitute an infringement of the copyright, then the court will hear the calculation of the amount of the damages, which is called “theory of damages”. Thus, copyright infringement lawsuits usually have a continuous two-stage procedure of court hearing structure of infringement theory and damages theory.

However, unlike the general process of copyright infringement cases, the parties seem radically opposed to one another, furthermore even the stage of “theory of damages” may sustain the assertion on “theory of infringement”

In this way, in copyright infringement cases that can not be expected to proceed smoothly in the stage of “theory of damages”, unlike the usual case, we may consider using an interlocutory judgment, which is hardly used due to the current trial practice.

In short, from the perspective of the civil procedure law, it is necessary to utilize the system that promotes the speed and suitability of the trial actively. and the system for intensive trial must be actively utilized. In this respect, the interlocutory judgment regarding copyrightability in the copyright infringement litigation has a significant meaning in litigation practice.

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Keywords

Copyright Infringement litigation, Copyrightability, Creativity, Interlocutory Judgment, Theory of Infringement, Theory of Damages, Artificial Intelligence

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