

Abstract**2018 Anti-circumvention Rules of Korea Copyright Act**

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While it is prohibited to circumvent a technological measure that effectively controls access to a work protected under the Copyright Act, the Act provides some exceptions to anti-circumvention. Exceptions to anti-circumvention are as encryption research, law enforcement, reverse engineering of software, or protection of minors. Those exceptions are quite different from those of exceptions to copyright infringement, which results from the anti-circumvention legislation is different from copyright legislation.

Exceptions to anti-circumvention is also provided through the rulemaking process. Those exceptions are effective only for three years, which means the rule needs to be made every three years. Korea has promulgated rules three times since the Copyright Act legislated anti-circumvention provisions. In January 2018, Korea promulgated the new rule which provides several exceptions to anti-circumvention. Those exceptions are motion pictures, electronic literary works, jailbreaking, unlocking, 3D printers, vehicle software, security research of vehicle software and video games. Exceptions to anti-circumvention through rulemaking may have much impact on technologies themselves and aftermarket products. When enacting the rule on anti-circumvention, it is quite necessary to take those into account. This paper examines exceptions to anti-circumvention of access control TPM newly provided under the Korea's new 2018 rule. Rather than theoretically discussing legal issues related to anti-circumvention, this paper focuses on explaining those exceptions and their requirements for anti-circumvention.

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Keywords

Copyrighted Work, Access Control, Technological Protection Measure(TPM), Circumvention, Rulemaking, Computer Program(software), Electronic Literary Work, Video Game, 3D Printer, Mobile Computing Device, Unlocking, Jailbreaking, Smart TV

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