

Abstract**Fake News and Copyright**

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“Fake news” is one of the terms that has begun to widely be heard in the media and the public following a series of political and social revolutions in our society. Fake news is thriving not only in our society but also around the world. Social media, in particular the social network service, plays a role in keeping fake news alive. By the 21st century, the development of Internet and telecommunications, and the advent of single media have created a technological environment and cultural background in which fake news can be produced.

If we look at fake news from the viewpoint of law, it was a matter of concern to the political law areas such as elections, freedom of political expression, or criminal behavior, and civil damages.

However, from the point of view of creation law, we can see that fake news is really a mixture of creation. As a requirement of the establishment of copyrighted works, it is stipulated in Article 2 (1) of the Korean Copyright Act as ‘a creation expressing human thoughts or feelings’, and it does not add any other requirements. Copyright law is norm-friendly to fake news. Exactly speaking, at least from the point of view of the copyright law, the copyright law gives legal justification to the production and distribution of fake news itself. Rather, the various provisions of the Copyright Act make you feel to be encouraged to make fake news.

The technologies of making fake news is also becoming more sophisticated and more prevalent, and it can be faster, more diverse, and more abundant according to the development of technology and communication in present society. At the time of debate about fake news in every field of society and all over the world, discussions have to be done in our society in earnest way, and we must try to make normative response to the fake news. Similarly, there seems to be a need for research as a new subject in the field of copyright law.

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Keywords

Copyright, Fake News, Nature of Copyrighted Works, Immoral or Obscene Works, Works, Juristic Acts Contrary to Social Order, Abuse of Rights

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