

Abstract

Research on Legislative Measures to Prevent the Spread of Copyright Infringement by Links

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The purpose of this paper is to find effective legislative measures in relation to the problem that the damages of copyright holders are being spread on a large scale as links are abused as online distribution channels of illegal copies.

First, the existing legislation is reviewed to find out which legislation is most suitable for the Korean copyright law environment. The legislative resolution method, which has a provision that regards link acts or link site operation acts as copyright infringement, is a direct act regulation, and there is a high risk of diminishing freedom of expression due to the setting of unclear additional requirements. In addition, it is reasonable to define an infringement regulation as an exception, if necessary, for problems that cannot be solved by existing copyright laws. Therefore, it will be said that it is desirable to acknowledge the responsibility for indirect infringement in accordance with the logical interpretation of the current copyright law by changing the precedent of the Supreme Court, rather than by establishing a separate regulation. The revision of the provisions of Article 102 of the Copyright Act(Limitation of Liability for Online Service Providers) is meant to supplement the existing copyright law provisions as a measure to prevent the spread of damage online. However, since this proposal is intended to induce an online service provider, a link site operator, to voluntarily block illegal copying, it has no coercion, so there are still limitations as a countermeasure against actual damage proliferation.

Therefore, in this paper, I proposed a new countermeasure for the content that makes illegal copy links as illegal information under the Act on Promotion of Information and Communications Network Utilization and Information

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Protection, etc, so that they can be subject to deliberation and correction requests by the Korea Communications Standards Commission, regardless of whether it is for profit or not. This proposal clarifies the grounds for administrative regulation in situations where the Supreme Court criminal case lawsuit even denies indirect liability for copyright infringement by link. In addition it complements the limitations in the current copyright law, resolves the blind spot of copyright protection, and provides opportunities for comment. An immediate and effective response to the proliferation of copyright damages will be possible while maintaining the right balance of copyright protection and expression.

Ultimately, as an effective countermeasure against the spread of copyright infringement online, it would be most desirable to simultaneously promote revision of Article 102 of the Copyright Act and Article 44-7 of Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.

Keywords

Link, Link Site, Illegal Copy, Freedom of Expression, Copyright Protection, Korea Communications Standards Commission, Requests for Correction, Blocking Access, Korea Copyright Protection Agency, Corrective Recommendation, Limitation on Liability of Online Service Providers, Information Search Tools