Abstract

The Case Review of the act of taking pictures contained in a book and posting them on the Internet in the German Federal Supreme Court

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This paper is stuck my opinion to the ruling of the German Federal Supreme Court. In the case study for a domestic judgment, when there are the critical social meaning of the judgment, the difference in opinion with the writer, the difference in conclusion, or difference of the logic process, it is to look at the judgment as one of the academic interpretations and present a new opinion. In this case, since it is a German Case, it is maybe considered that there is a limit to deep discussion.

The facts are as follows: The plaintiff is a local government-run museum, where the defendant reprinted the photographs on display in the museum and posted them on the Internet. The works subject to the exhibition pictures have already passed the copyright protection. In response, the plaintiff argued for the exercise of the right to claim of the Protection of Photograph under the German Copyright Act, compensation for damages caused by infringement of ownership, and violation of the admission contract. Other issues which are related to freedom of information provided by the museum, a public institution, and restrictions on ownership are also included in the debate of this ruling.

However, among the above issues, I would like to discuss the protection of photographs, which are not stipulated in the Korean Copyright Act, but in the German Copyright Act. And I would like to explain the meaning of the admission contract and violation of it.

In conclusion, I would like to briefly mention the possibility of introducing

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the Protection of Photograph into the Korean Copyright Act and the role of the cultural repository of museums, art galleries, etc., and conclude the discussion.

Keywords