Abstract

A Study on the Criteria for Determining the Infringement of Music Copyright

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In this paper, the criteria for judging infringement of music copyrights were analyzed centering on the 'substantial similarity' of the scope of creative expression.

In order to propose criteria for judging copyright infringement, they could be compared and analyzed by quantitative and qualitative standards for different works. Quantitative and qualitative standards were derived from judging infringement of music works by comparing existing domestic and foreign precedents. However, it was confirmed that the criteria for determining quantitative and qualitative infringement on music works were not clear. Therefore, it is necessary to introduce technical elements as a measure of improvement to clarify the limitations of the judgment of infringement of the music copyright. So far, music copyright infringement judging technology is possible with digitized expressions, a similar patterns between sound sources extracted through a music identification system using AI-based data mining analysis techniques. However, although the establishment of standards for idiomatic and creative expressions should precede, the limitations have not yet been addressed. For example, when submitting a paper as an example of the use of infringement judgment technology, a copy-killer service is used to verify similarity. In the case of music, such standards are also needed. Therefore, it is necessary to introduce a technology that can verify what

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percentage is similar to existing music and is creative expression each. As a result, the article argues that the government should overcome the limitations of judging standards for infringement of music copyrights.