

Abstract

A Study to prepare exemptions notice draft for the prohibition on circumvention of technological protection measures

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Countries such as Korea, the United States, Australia, and Singapore have established regulations in copyright law to protect technical protection measures. However, although technical protection measures are essential for copyright protection in an environment where digitized works are used, fundamentally blocking users' access to works by technical protection measures imposes considerable restrictions on the fair use of works by users. In order to alleviate this problem, countries have come up with regulations that allow the act of circumventing the technical protection measures applied to certain works for specific reasons in the above regulations.

Each subparagraph of Article 104-2 (1) stipulates the exception of the prohibition of circumventing access control technical protective measures, and subparagraph 8 of the same paragraph states, "Cases determined and publicly notified by the Minister of Culture, Sports and Tourism according to the procedures prescribed by Presidential Decree as it is deemed that the legitimate use of works, etc. of specific types is unreasonably affected or likely to be affected by the prohibition of circumventing technological protection measures. In such cases, the effect of such exception shall be valid for three years." Accordingly, the Ministry of Culture, Sports and Tourism prepared and implemented the first notice on

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January 31, 2012, the second notice on January 31, 2015, and the third notice on January 31, 2018. And on January 31, 2021, the fourth notice of the 『Exception to the Prohibition of Circumventing Technical Protection Measures』 was announced.

Accordingly, this paper examines the status of exceptions in the United States, Australia and Singapore, and explains and reviews the background and contents of the 『Exception to the Prohibition of Circumventing Technical Protection Measures』 announced on January 31, 2021.

Keywords

Copyright Act, Technological Protection Measure, access control Technological Protection Measure, Exceptive provisions pertaining to The Circumvention of Technological Protection Measure, Exceptions notification, limitation on author's property right, Fair Use, Fourth Industry, Fourth Industrial Revolution