

Abstract

Extent and Limitation of Copyright Immunity for Data Mining

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Data mining refers to the process of extracting valuable information by analyzing statistical rules or patterns from data. Data may include works subject to copyright, and in this case, copyright infringement problems may arise if used without the consent of the right holder. Lately, data mining has been considered an essential technology in relation to artificial intelligence or big data, the core of future industries, and so there is a high need for the exploitation. Here, the balance between protecting the data and using the data is required.

Many countries abroad have recognized copyright infringement immunity for data mining, and many attempts have been made according to this trend. This article reviews the direction, extent and method of data exploitation at this point. First, the direction of immunity examines the purpose and various copyright principles, and then confirms that copyrights could be restricted because the promotion of innovation and relevant industry would be closer to copyright law's purpose unless they were unfairly harmed. Next, the scope of immunity should include for-profit use in terms of industrial need and activation, unless the work is used for its original purpose, and the type of use should be widely recognized, including replication, transmission and adaptation. Finally, considering the nature of our law, the method of immunity seems reasonable in terms of legal stability or predictability to specify rights and obligations rather than interpretation by general provisions. In addition to having these data usage regulations, I also propose to

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change copyright usage on the Internet from opt-in's traditional methods to opt-out appropriate for the Internet age, and to introduce implicit permission as a protest method. Given that much information is available on the Internet, the use and protection of the work could be balanced by a more realistic, simpler, and efficient method, allowing the copyright holder to reject it and counter copyright infringement liability with an implied permission.

Keywords

Data Mining, Copyright Exemptions, Fair Use, Opt-out, Implicit Permission