

Abstract

**A study on the introduction of dynamic injunction as
a countermeasure against online copyright
infringement**

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On basis of Article 136 of Korean Copyright Act prescribing criminal sanction against copyright infringement crimes, online information which violates Korean Copyright Act can fall under one of online illegal information under Article 44-7 (1) 9 of the Act On Promotion Of Information And Communications Network Utilization And Information Protection. Article 44-7 (Prohibition on Circulation of Unlawful Information) of the Act On Promotion Of Information And Communications Network Utilization And Information Protection (hereinafter “Information and Communications Network Act”) states that “(1) No one may circulate any of the following information through an information and communications network: [omitted] 9. Other information with content that attempts to commit, aids, or abets a crime.”

Currently, Korea Communications Standards Commission is actively responding to overseas copyright infringement by viewing information resulting from overseas online piracy as illegal information under Article 44-7 (1) 9 of the Information and Communications Network Act, and by requesting a correction measure which blocks access to overseas online sites from domestic key telecommunication operators. Therefore, the Copyright Act applies to copyright infringement on domestic online sites, but the Information and Communications Network Act and the Korea

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Communications Standards Act apply to copyright infringement on overseas online sites. In this sense, the regulations on online piracy are bifurcated.

However, regular access blocking measures are not suitable for effectively preventing online copyright infringement. Due to the technical structure of the Internet, access blocking measures can be easily bypassed, and in order to avoid access blocking measures, the infringing server can be moved abroad and the pirated contents can be re-hosted and transmitted again.

Over the past few years, a new type of injunction has emerged as an effective response to online copyright infringement. It is called as “dynamic injunction.” The dynamic injunction is a legal mechanism that allows the Internet service provider to block both the main domain name and the IP address of the pirated website, and mirror websites which quickly and easily appear under other domain names and thus remain unaffected by the original injunction order as well.

This dynamic injunction system was implemented in Australia, Singapore, Spain, Sweden, Austria and the United Kingdom. Hereinafter, this Article looks at overseas legislative examples of dynamic injunction, and, then, propose ways to introduce this system to Korea.

Keywords

dynamic injunction, Singapore, Australia, blocking, online service provider