

Abstract

Analysis of the German Copyright-Service Provider Act in the perspective of Korean Copyright Law

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Recently, some online platform regulations have been the subject of debate regarding Platform Responsibilities in the EU, U.S.A., Korea, and Japan. In 2019, the European Union introduced Article 17 of the Digital Single Market Directive that strengthens liabilities for online content-sharing services providers (OCSSP). First, in the EU, Germany enacted a new Copyright-Service Provider Act to introduce Article 17 whose directive is the OCSSPs' direct responsibility for communicating copyright-infringing content to the public and to make their best efforts to obtain licenses from the copyright-holder to receive immunity from copyright infringement. OCSSPs must take blocking measures to prevent the continuous upload of copyright-infringing content in the future if the right-holder of the contents informs OCSSPs of the substantial information that copyright infringing content is servicing their platform. The German Act introduced some articles to respond to an overblocking measure of OCSSPs. For example, "Uses authorized by law", "Uses presumably authorized by law", "Minor uses", and "Flagging of uses authorized by law" are introduced to ensure the fundamental rights of service users. In addition, OCSSPs should pay compensation to the copyright-holder and related-rights holder, if works are used for fair use. Compared to the Korean Copyright Act, OCSSPs may belong to a hosting service provider and a special type of online service provider. An obligation to obtain a license, to take

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notice and stay down, and to pay compensation, is necessary for debating the improvement of Korea's online service provider immunity regulations.

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