

**Abstract**

## Research on Copyright Protection and Usage as Technology Evolves

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This paper examines two approaches to copyright protection and enforcement that have been advocated to eliminate the irrationality of copyright use behavior as technology advances. The first is to recognize implied consent as a substitute for prior informed consent and to allow copyright holders to Opt-Out of the use of their works. In *Field v. Google, Inc.* the U.S. Supreme Court applied the doctrine of implied license in a copyright case and held that if a copyright holder is aware of the use of a work and remains silent, there is no copyright infringement. However, I believe that this Opt-Out System is not appropriate to be applied to Korean law because it is contrary to the legislative attitude of the law to require the copyright holder to actively refuse, Korean civil law is difficult to apply the implied license theory, and the implied license theory conflicts with the Opt-Out System.

The next argument is to adopt the Limited Formality Principle in Korean Copyright Law, which is based on the non-formality principle. The Limited Formality Principle clarifies the scope of copyright that users need to consider by allowing them to claim infringement only if they follow a certain method. It is appropriate to introduce the Limited Formality Principle into Korean Copyright Law. This is because the principle is consistent with the objectives of copyright law, can be adopted in light of the early history of copyright, and is appropriate in the context of civil law. The specific

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implementation of this approach will require further discussion, such as requiring that a copyright claim be made only if the work is marked with a copyright notice.

### **Keywords**

Opt-Out System, Limited Formality Principle, Implied License Doctrine, *Field v. Google, Inc. Case*, Copyright Holder Notice, Copyright History