

Measures against Copyright Piracy on the Internet (KOREA)

Asia Copyright Conference

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Agenda

1. Copyright Infringement on the Internet

2. Remedies for Right holders

3. Administrative Measures against Online Piracy

4. Administrative Measures by MCST

5. Measures by KCC

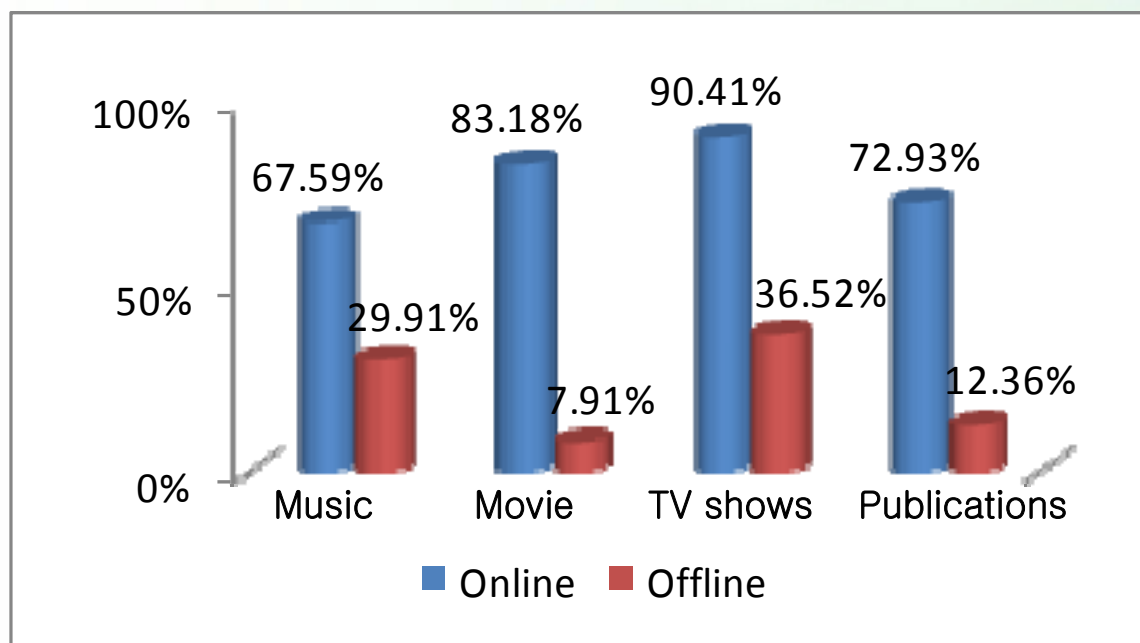
6. Other Copyright Protection Policies of Korea

1.

Copyright Infringement on the Internet

Piracy on and off-line

- Piracy on the Internet takes up substantial part
 → Effective measures against online piracy necessary
- Piracy rates for audiovisual works (films, dramas) are close to 90%



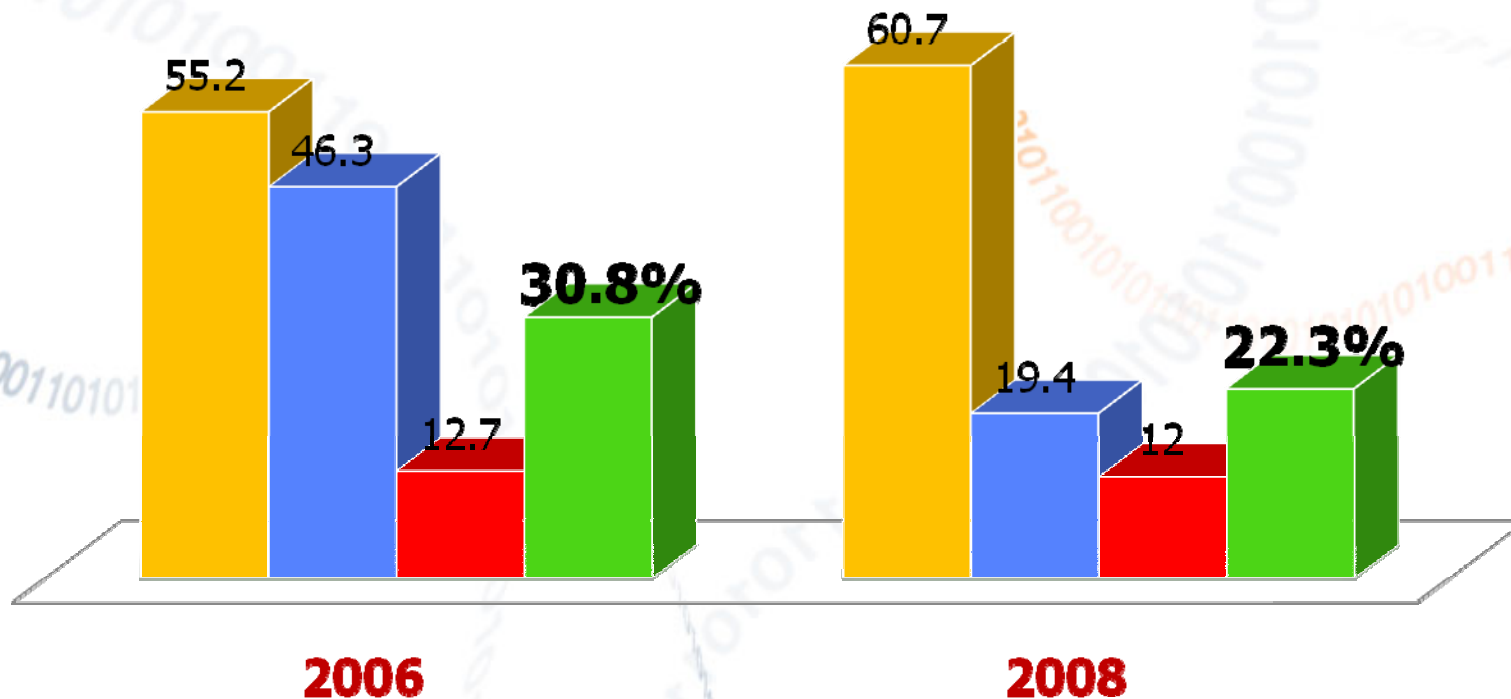
< 2007 Copyright Infringement Report, Copyright Protection Center, 2008 >

1.

Copyright Infringement on the Internet

Proportion of Illegal Market to Total Copyright Market

■ Music ■ Audiovisual ■ Publication ■ Total

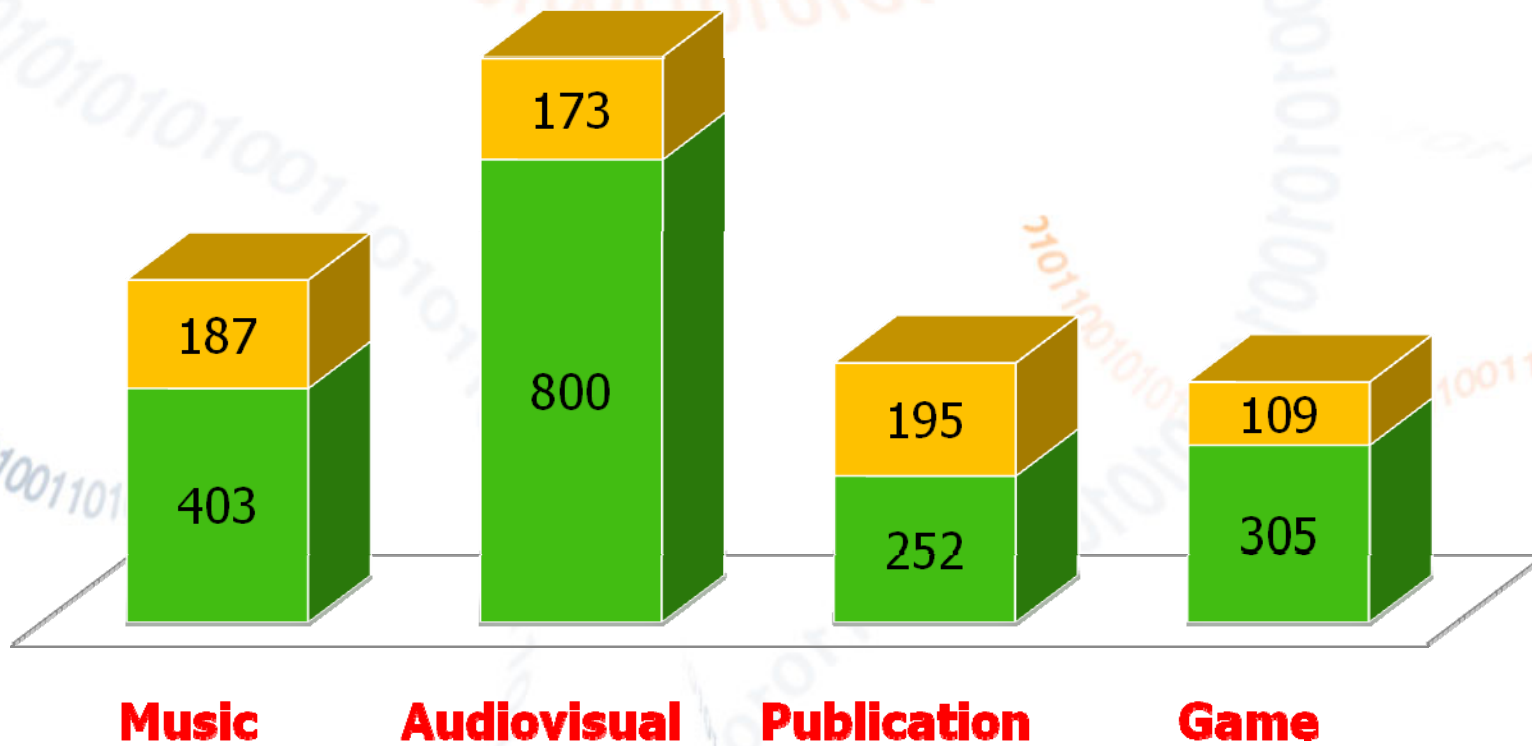


1.

Copyright Infringement on the Internet

Scale of Legitimate Market Decreased by Infringement

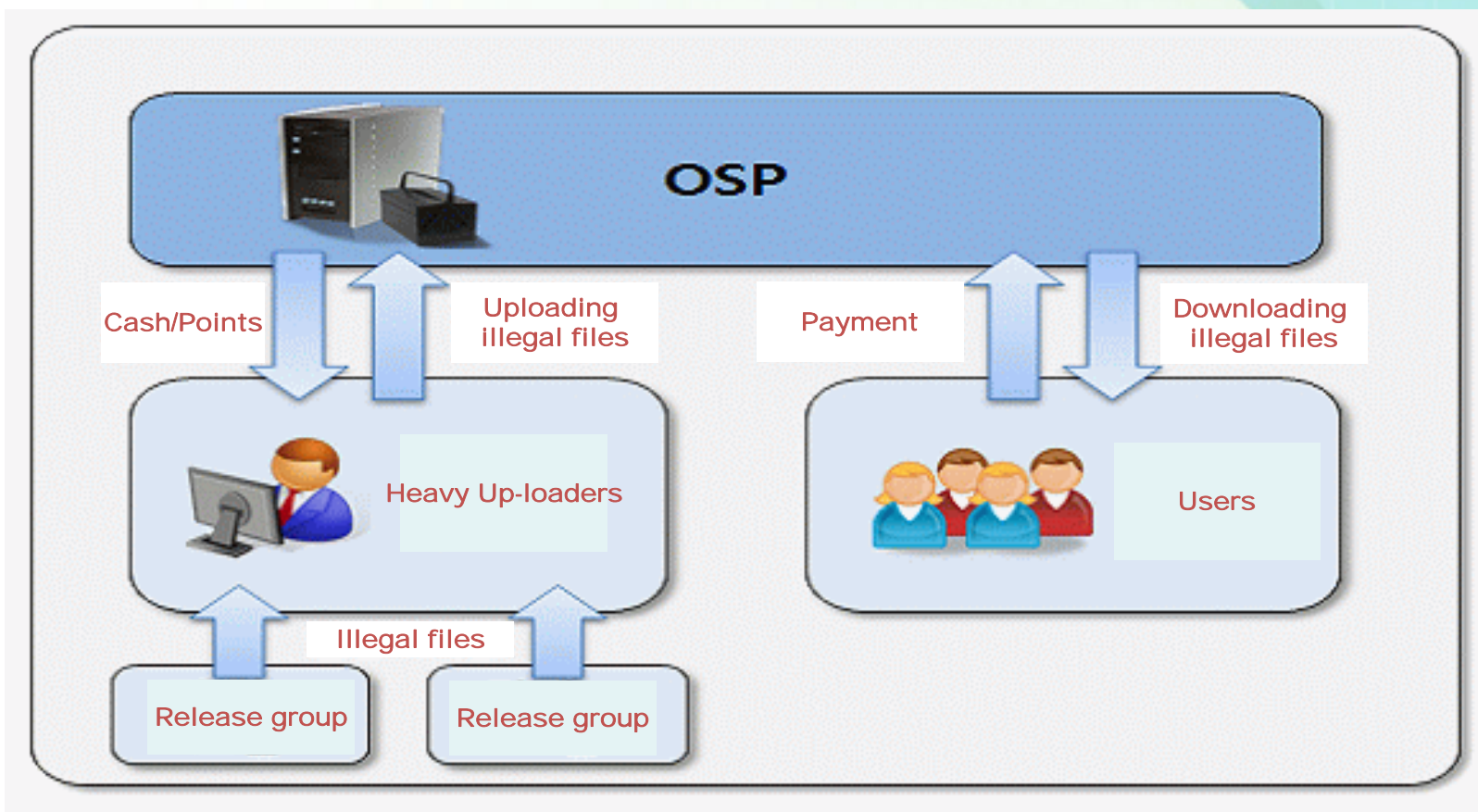
■ Online ■ Offline



1.

Copyright Infringement on the Internet

- A few heavy up-loaders are responsible for most piracy cases on the Internet



● Civil Remedy

- Claim for Prevention and Suspension of Infringement
- Claim for Damages
- Claim for Return of Unjust Enrichment etc.

● Criminal Penalty

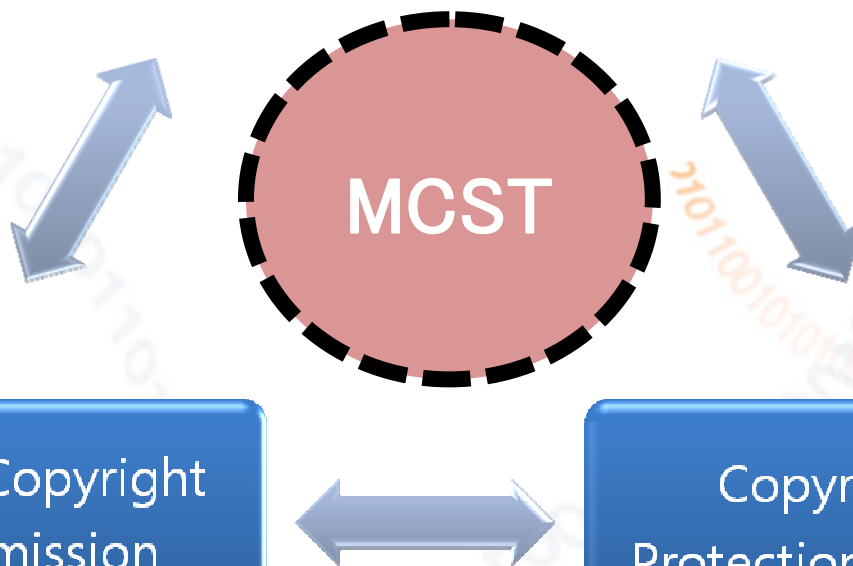
- (Infringement of Economic Rights)
 - Imprisonment for a term not more than 5 years or
 - Fine of not more than 50 million won
- (Infringement of Moral Rights)
 - Imprisonment for a term not more than 3 years or
 - Fine of not more than 30 million won

Special Judicial Police
(Copyright Police)

MCST

Korea Copyright
Commission

Copyright
Protection Center



Administrative Measures against Online Piracy



Organizations conducting anti-piracy activities

MCST

(Copyright Protection
Division)

- Formulates comprehensive policy for copyright protection
- Appoints 41 Copyright Police Officers (since Sep. 2008)
- Imposes fines against special types of OSPs
- Grants login ID suspension orders against copyright infringers

KCC

(Anti-piracy Team)

- Deliberates cases before MCST's order-granting against infringers
- Issues corrective recommendations against OSPs
- Assists investigations on copyright infringing cases in technical aspects

KFCO

(CPC)

- Requests suspension or deletion of infringing materials to OSPs
- Collects evidence about special OSPs to ask for fines against them
- Conducts crack-downs against on and off-line piracy

4.

Administrative measures by MCST–Article 104

▶ Imposing fines

- Target : special OSPs for their failure of adopting proper technical measures in accordance with Article 104 of the Copyright Act

* Special OSPs : Online service providers the main purpose of which is to enable its users to transmit and share illegal works using computers and etc. (ex : web-storage, P2p)

- Amount : Fines up to 30 million KRW

(Unit: ₩10,000)

Downloadable Contents Rate	fines
Less than 5%	Caution
More than 5% ~ Less than 15%	300
More than 15% ~ Less than 30%	700
More than 30% ~ Less than 45%	1,000
More than 45% ~ Less than 60%	1,500
More than 60% ~ Less than 75%	2,000
More than 75%	2,500

– Procedure

request for technical measure adoption (by right holder to OSP) →

failure to adopt → prior notice on fine-imposing (by MCST) →

submission of paper (by OSP) → imposing fine (by MCST) → national budget (tax revenue)

4.

Administrative measures by MCST–Article 133 bis

● Account Restriction Order

- Target : Heavy Up-loaders who impair legitimate market by uploading illegal copies repeatedly
- Measure : Restriction on Login Service of illegal up-loaders (not including email service), up to 6 months

● BBS (Bulletin Board Service) Suspension Order

- Target : Bulletin Board Services which provide advantages of use or commercial benefits for distribution of illegal copies
- Measure : Suspension of BBS partly or entirely, up to 6 months

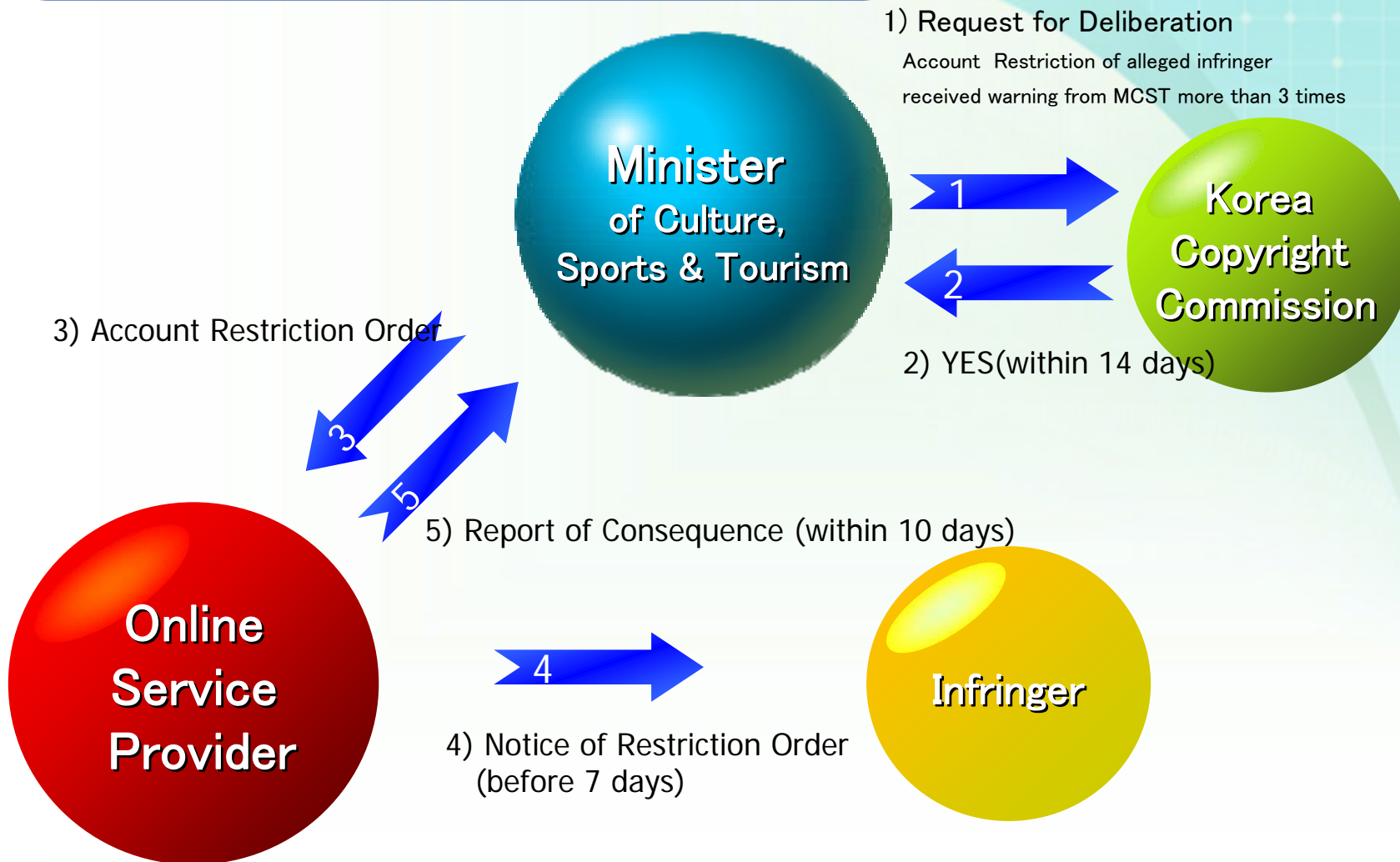
● Expected Impact

- Achieving more effective protection by means of providing sanctions against repeated infringement on Internet

4.

Administrative measures by MCST–Article 133 bis

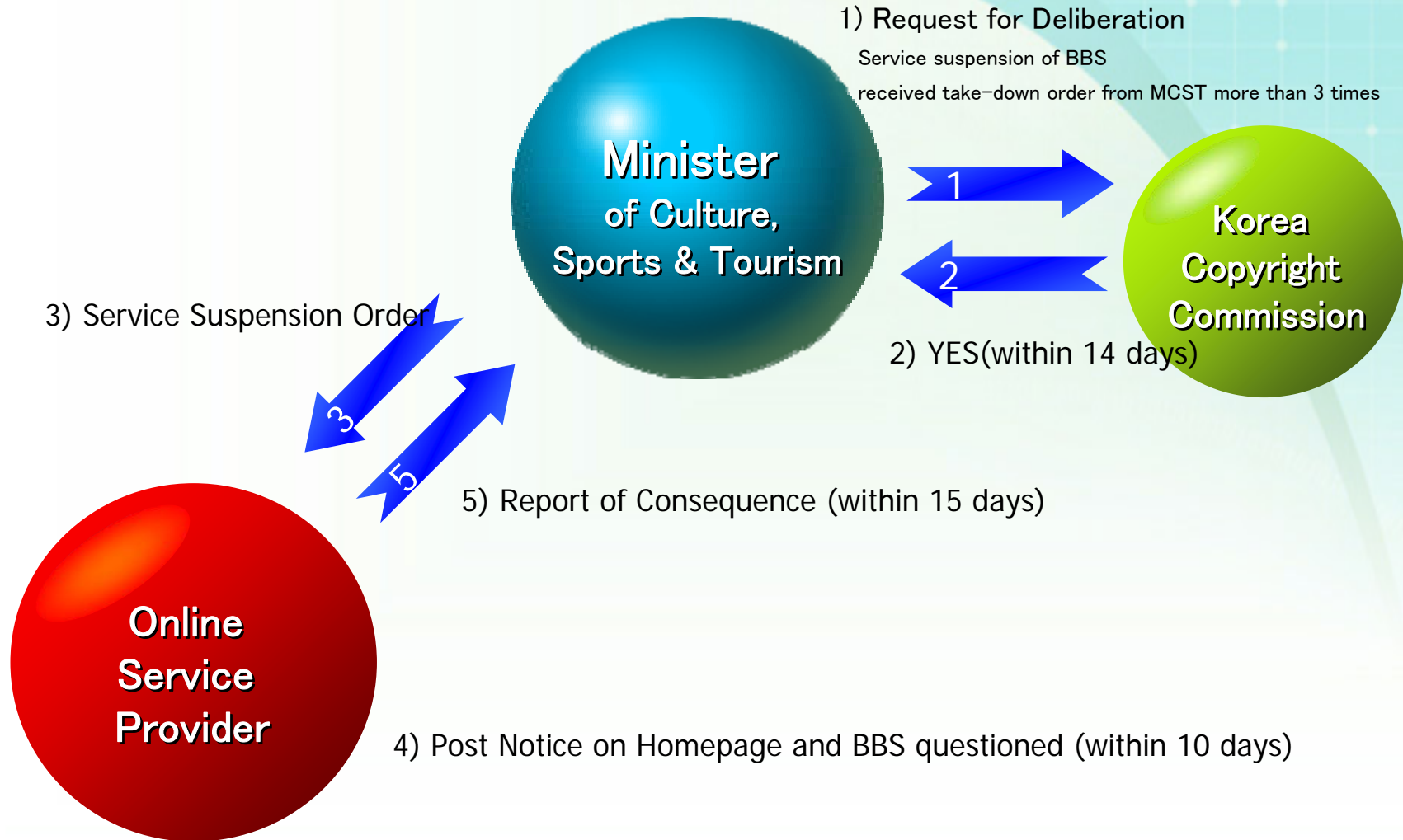
Account Restriction Order



4.

Administrative measures by MCST–Article 133 bis

BBS Suspension Order



4.

Administrative measures by MCST–Fines

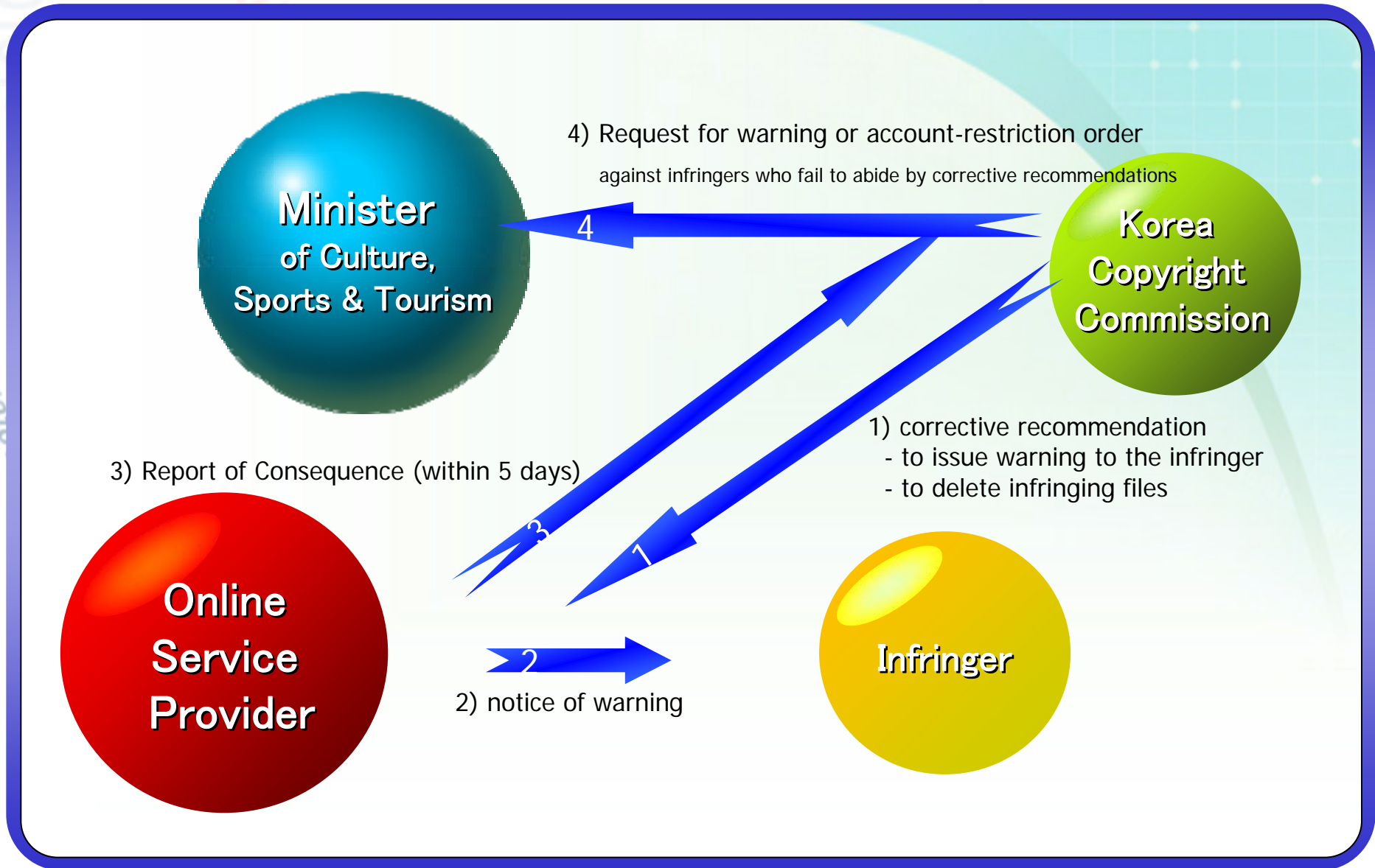
- ◆ Standards for imposition of penalties on infringement of administrative order

(Unit: ₩10,000)

Infringement behaviors	Penalty imposition standards by numbers of infringement		
	One Time	Two Times	Three Times
(1) case where warning order fails to be taken	100	300	500
(2) case where deletion or suspension order of interactive transmissions fails to be taken	300	500	700
(3) case where suspension order of the ID and message board fails to be taken	500	700	1,000
(4) case where notices and posting in accordance with provisions of Paragraph (3) and Paragraph (5) of Article 133-2 fails to be taken	100	200	300
(5) case where notices in accordance with provisions of Paragraph (6) of Article 133-2 fails to be taken	300	500	700

5.

Measures by KCC–Article 133 ter



6.

Other Copyright Protection Policies of Korea

- Reinforcing investigation and crack-downs on illegal files
 - Standing anti-piracy activities on 5 major sectors including music, film
 - Strong crackdowns on notorious markets

- Promoting use of legal works through 'Copyright-Clean Websites'
 - Inventing methods to evaluate websites on its efforts to protect copyright
 - formulating guidelines to promote legal use of works on the Internet
 - Appointing 'Copyright-Clean OSPs' (monthly)

- Operating an illegal works tracking system (I-COP)
 - Operating a system which automatically tracks illegal files being distributed on all types of OSPs including P2P on 24/7 basis

Thank You!

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