

How the Korean Entertainment Industry's Move to Directly Sue Individual Internet Users Influences the Users' Attitudes and Activities

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An Extended Abstract

Copyright infringement on the Internet has been one of the main concerns of the Korean government and copyright holders have in the last decade. Various legal and institutional methods have been discussed and implemented in order to prohibit illegitimate file-sharing and punish copyright infringers. Copyright laws have been revised many times, and law suits against those who provided file-sharing technology and relevant sites have been numerous. Recently, the entertainment industry, the main copyright holders in Korea, adopted a slightly different approach to file-sharing activities. Entertainment industry, with the aid of specialized law firms, began to sue or threaten to sue individual users for their file-sharing activities instead of site providers. Compensating those who report these activities to the website <cinetizen> and the law firms that represent the copyright owners makes it even more efficient. The individual users who are prosecuted usually pay settlement money after being contacted by these law firms because they are afraid of criminal prosecution, and sometimes they pay a fine after being investigated by the police. As many of these users are minors, they experience an enormous amount of stress and one student committed suicide last year.

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There have been arguments regarding whether criminalizing individual users for file-sharing is desirable and whether it works. Some claim that punishing those who directly used copyrighted material and receiving settlement money from them, rather than punishing those who provided the means of infringement, is more appropriate. But others suggest that because most of these activities are for personal and non-profit purposes, they should be permitted to some extent. Also there are different views on whether this method works. Some argue that not only is it realistically difficult to directly find and punish users, but also affect copyright holders badly in the long run if they sue potential customers. Others suggest that even if file-sharing sites that indirectly provide the means of infringement are shut down, new places for file-sharing continue to be created, thus it is more effective to directly pursue individual users in order to actually stop file-sharing activities.

There are few empirical studies that have examined what impact suing individuals has. At the time around the well-publicized court cases that determined file-sharing infringes copyright and file-sharing sites should also be responsible for the infringement, surveys of the Internet users suggested that these legal efforts did not have much effect because the attitudes of individual users did not change. It has been suggested that direct legal sanctions against users also may not be very effective. In spite of this, the Korean copyright owners have introduced a rewarded notification system against users as of 2006, which induces the users to pay for financial settlement or makes them criminally liable.

This research examines how these efforts to criminalize individual users and to receive settlements in the process affect the users, by analyzing the expressed concerns and thoughts of the 203 users who actually were reported and paid the settlements or in the process of paying the settlements or being prosecuted.

Research questions are as follows:

1: characteristics and experiences of users who have been reported or sued for copyright infringement

1-1 What are the characteristics of the users who have been reported?

1-2 What kind of copyrighted materials were used by users who have been reported?

- 1-3 How did they find out that they had been reported?
- 1-4 What stages did they go through and what was the final result (whether they paid settlements or fine, in what amount)?
- 1-5 What were their mental states and reactions?
- 2: attitudes of the users have been reported or sued for copyright infringement
- 2-1 What are the main complaints of the users about the process?
- 2-2 Who is the main target of the complaints?
- 2-3 What do the users suggest as proper ways to improve the current situation?
- 3: users' intentions regarding future activities
- 3-1 What would the users like to advise other users from their own experiences?
- 3-2 What is the plan of the users regarding future activities on the Internet?
- 4 factors that influence users' response
- 4-1 What are the primary factors that influence the attitudes and intentions of these users (age, gender, occupation, kind of materials used, stages of development, final result, the amount of settlements, etc.)?

Preliminary results of this research show that most users do not have discontent towards the copyright law itself nor think that the copyright law should not be enforced on files-sharing. The biggest complaints were that law firms and Cinetizen report and threaten the users for their own financial benefits, not for the protection of copyright holders. Especially noticeable were the fact that many users explicitly admitted their wrongdoings and regretted their actions, and also expressed their solace towards the authors. Discontent towards authors and copyright holders was rather minor, whereas the animosity towards law firms and <cinetizen> turned out to be very strong.

As suggestions for improvement, few users answered that copyright laws should be amended, while the greatest number of the users wanted changes in the process of implementing the policies so that the acts of law firms and <cinetizen> could be controlled. Many believed that even intervention of the government is needed in order to stop the overbearing acts of the law firms and <cinetizen>. Also contrary to the previous studies, the animosity towards file-sharing sites begins to show. The users expressed discontent about the web sites profiting from file-sharing that are not

punished, and also tried to blame the sites by suggesting that they wanted technical measures such as filtering so that illegal file-sharing could be prevented altogether. Also none of the users said that they would continue file-sharing in the future. Some users stated that they would never share digital files again, and some stated that they were actively telling others not to share files. Quite a few users also acknowledged that they would respect copyright law from now on and ask people around them to do the same. It seems that direct legal punishment influences people's behavior even more than their consciousness. On the other hand, as some users said that they would not use copyrighted materials even legally or that they lost interest in the internet itself, there seem to be some potential chilling effects.

Criminalizing the users has brought about some changes in the consciousness of users, and maybe greater changes in their acts. These findings differ from the previous discussion that suggested the effects of laws are limited in the digital environment. Rather, directly suing and punishing the users showed great influence over the users' attitudes and activities, more than that was expected. This seems to be a clear example that shows surveillance and punishment are powerful methods to discipline people, and Internet is no exception. The problem is, while users seem to acknowledge the copyright law itself, many users expressed cynical views on what 'law' really is or should be in general. Considering that most users are still young, acquiring these kinds of skeptical attitudes towards the law in general and towards the people working in the area of law may have quite a significant, accumulating consequence. It remains to be seen what would be the long term cost and benefit of the surveillance and punishment of the Internet users, and this study will further explore specific factors that might influence the impact of this punishment of Internet users.