

2013 Annual Report

Open Net

I. Our Mission

Incorporated Association Open Net ("Open Net") is a non-profit organization established on December 12, 2012, with the goal of making the Internet a space of freedom, openness and sharing.

The Internet became an essential part of our daily lives, and values including freedom, equality, justice, honesty, fair competition, innovation and creativity so long cherished by the humanity should equally be materialized on our Internet lives. To do so, we need a forum for discussion and deliberation where the Internet users, entrepreneurs, technologists, and regulators can get together. Our mission is to provide such a forum for all levels of society so that proper IT/Internet policies will be put in place, for the goal of promoting rights of the Internet users and pursuing the public interest.

Open Net leads movements to guarantee freedom of speech on the Internet, to secure freedom from surveillance, to reform red-tape regulations, to maintain net neutrality, to disclose and utilize public data, and to resolve copyright and patent issues. Open Net seeks to propose specific and reasonable policy alternatives by working with professionals and experts, and analyzing current problems and reflecting public opinion.

II. Our Work

1. Seminar

A. Objectives

Open Net contributes toward establishing proper IT/Internet policies by providing a forum on Internet policy discussion for the Internet users and policymakers.

B. Outline

Open Net holds monthly seminars open to public in which the Internet users, policymakers, and interest parties take part.

C. Details and Outcomes

- 1st Public Seminar
 - Topic: "Diversification of Electronic Financial Transaction Security Technology"

- Co-hosted by Open Net and the Sustainable Economy Research Association (지속가능경제연구회) of the National Assembly ("NA") on February 27, 2013 (NA Library)
- 2nd Public Seminar
 - Topic: "Second Round of Online Real-Name System"
 - Co-hosted by Open Net and the Information and Communications Law Society of Korea University on March 27, 2013 (CJ Law Building, Korea University)
- 3rd Public Seminar
 - Topic: "Opening up of Public Information and Free Use of Public Domain Work"
 - Co-hosted by Open Net and the Office of Member of National Assembly ("MP") KIM Yunduk on April 24, 2013 (NA Library)
- 4th Public Seminar
 - Topic: "Public Hearing on the Proposed Amendments to the Digital Signature Act and the Electronic Financial Transaction Act"
 - Co-hosted by Open Net and the Offices of MP LEE Jong Kul and MP CHOI Jae Cheon, on May 23, 2013 (Members' Offices Building)
- 5th Public Seminar
 - Topic: "Accredited Certificate System' - Is it a Medicine or a Poison for Creative Economy?"
 - Hosted by Open Net and the Office of MP YOU Seung-hee, on June 13, 2013 (Members' Offices Building)
- 6th Public Seminar
 - Topic: "Forum on Article 2 Item 5 of the Child Sexual Abuse Prevention Act - Is it Production of Victimless Criminals (피해자 없는 범죄자 양산) or Protection of Children and Juveniles?"
 - Co-hosted by Open Net and the Offices of MP KIM Kwang Jin, MP PARK Wan Ju, MP Lee Seok Ki, MP JEON Jeong Hee, MP CHOI Minhee, supervised by the Coalition on the Child Sexual Abuse Prevention Act, on August 12, 2013 (Members' Office Building)
- 7th Public Seminar
 - Topic : "Amending the Child Sexual Abuse Prevention Act to Make it Serve its Purpose"
 - Co-hosted by Open Net and the Office of MP YOU Seung-hee, on December 13, 2013 (NA Library)
- 8th Public Seminar

- Topic : "Promoting Competition between Search Services and the Role of Government"
 - Co-hosted by Open Net and the Office of MP CHOI Jae Cheon, on December 18, 2013 (Members' Office Building)
- 9th Public Seminar (coming up)
 - Topic : "Forum on Online Real-Name System - What Has Changed Since the Real-Name System was Ruled Unconstitutional?"
 - Co-hosted by Open Net and the Offices of MP JUN Byung Hun and MP BAEK Jae Hyun
- 10th Public Seminar (coming up)
 - Topic : "Pros and Cons of Abolishing the Three Strikes Rule and Content Filtering of the Copyright Act"
 - Co-hosted by Open Net and the Offices of MP CHOI Jae Cheon and MP YOO Ki Hong

2. Legal Clinic

A. Objectives

Open Net protects the openness of the Internet by providing balanced legal advice on disputes related to Internet laws (free speech, privacy, defamation, copyright, etc.).

B. Outline

Open Net provides legal advice on issues related to copyright, defamation, right of publicity, privacy, trademark, personal data breach, etc. It also maintains a system for public sharing of the information accumulated from operating the Internet Law Clinic.

C. Details and Outcomes

Students participating in the Internet Law Clinic of the CLEC (Clinical Legal Education Center, Korea University) draft advices when counseling requests are received online. Open Net supervises the students in polishing and improving upon the draft advices. (<http://www.internetlawclinic.org>)

3. Impact Litigation

A. Objectives

Open Net initiates constitutional litigation, and gives legal aids to victims in the areas of free speech, privacy, defamation, copyright, etc. Through impact litigation, Open Net helps victims and

achieves policy goals that are in line with its mission.

B. Outline

Open Net provides legal assistance in civil and criminal litigation, initiates constitutional litigation, provides legal aids to parties that are selected by the Impact Litigation Committee.

C. Details and Outcomes

(1) Legal Aids and Constitutional Complaint on the Child Sexual Abuse Prevention Act

- Filing a constitutional complaint against the prosecution's practice of applying the Child Sexual Abuse Prevention Act on distribution of 'virtual images' (March 13, 2013)
 - Open Net argued that punishing people as child sex offenders who produce or distribute 'virtual images' such as animations or cartoons where no real victim exists by applying the Child Sexual Abuse Prevention Act is an excessive exercise of the punitive power and infringes on the freedom of speech.
 - The complaint is under review, and after the filing of the complaint, the courts requested adjudication on the constitutionality of the Child Sexual Abuse Prevention Act.
- Providing legal aids to people indicted or under investigation for distributing 'virtual images' (January ~ December 2013)
 - Open Net hired Attorney Hong Suk YANG on a contract basis, and provided legal aids to more than 40 victims so far.

(2) Constitutional Complaint on the Mandatory Identity Verification System

- Filing a constitutional complaint on the mandatory identity verification system under Article 16 para. 1 of the Juvenile Protection Act and Article 17 of its Enforcement Decree (May 16, 2013)
 - The amended Juvenile Protection Act (entered into force on September 16, 2012) imposes duties on people intending to provide a person a media product harmful to juveniles to verify not only the age but also the identity of that person. Open Net argued that the identity verification system is not an appropriate means to protect juveniles, and seriously infringes upon adults' freedom of speech and right of anonymous access to expressions.
 - The complaint is under review.
- Filing a constitutional complaint on Article 12-3 of the Game Industry Promotion Act which

requires identity verification for every online game user including adults (July 23, 2013)

- Open Net argued that identity verification under the Game Industry Promotion Act is not an effective measure to prevent excessive immersion in or addiction to online games, and compelling every user including adults to authenticate their identity fundamentally deprives people of the right to anonymously enjoy online games that are media of expression.
 - The complaint is under review.
- Filing a constitutional complaint on the identity authentication authority system (preparation under way)
- Open Net believes that the 'information asymmetry' developing between mobile telecommunication companies ("telcos") and information and communication service providers ("portals") as the latter are prohibited from collecting resident registration numbers while the former are not.

(3) Injunction to Prevent Interference with Business for Unlawful Transaction Rejection

- Filing an injunction to prevent interference with business against BC Card. Co., Ltd, requesting an order to refrain from rejecting transactions (August 2, 2013)
- Open Net opened an online payment page called 'Open Net Friends (<http://openweb.or.kr/gift>);' and set up a system which enables making credit card payment on any web browser without installing Active Xs. However, BC Card has been rejecting transactions without any reasonable excuse.
 - Open Net is a nonprofit incorporated association which carries out public interest activities. Therefore, receiving donations, membership fees and tuition fees through the online payment page constitutes Open Net's legitimate business, and essentially has direct relation to freedom of speech, general freedom of action, and the right to pursue happiness as it is also a way of carrying out civic movements Open Net is dedicated to. The trial proceeding is closed, and the judgment to be announced early 2014.

(4) Lawsuit Seeking Damages for mVoIP Blocking under the Fair Trade Act

- Filing a lawsuit seeking damages against mobile communication companies for mVoIP restriction policies as in violation of Article 56 of the Monopoly Regulation and Fair Trade Act (September 30, 2013)
- Open Net, the Citizens' Coalition for Economic Justice, the Lawyers for a Democratic Society (Min-byun), the Korea Progressive Network Center, and the People's Solidarity for Participatory Democracy ("PSPD") jointly filed a lawsuit seeking damages against SK Telecom and KT, which blocked the mVoIP service in low-rate mobile plans.

- It was argued that *ex parte* restriction on the purpose of data purchased by customers is an unfair trade practice which constitutes abuse of trade position harming consumer interest, and thus the mobile communication companies are liable for damages incurred to the consumers. 16 plaintiffs joined in total.
- The case is currently pending before the trial court.

(5) Lawsuit Requesting Information Disclosure of the Policy Discussions on Net Neutrality

- filing a lawsuit to revoke the disposition of the Ministry of Science, ICT and Future Planning refusing disclosure of policy materials on net neutrality (April 1, 2013)
 - The Korea Communications Commission ("KCC", now the relevant authority transferred to the Ministry of Science, ICT and Future Planning) formed and operated the Forum on Net Neutrality and the mVoIP TF in year 2011, and the Advisory Committee on Net Neutrality Policy in year 2012. Various civic groups have requested KCC to disclose information of the policy discussions on net neutrality, but KCC refused. Open Net, together with the Net Neutrality User Forum, filed a lawsuit to revoke the refusal (2013Gu-Hap9243).
 - In December 2012, the Ministry of Science, ICT and Future Planning decided to disclose all information.

(6) Lawsuit Seeking Disclosure of Information on Security Inspection of KISA, the root authority for the country's digital signature system (July 4, 2013)

- KISA and the communications ministry have justified its closed digital signature system based solely on KISA's root authority by pointing out that KISA has received Web Trust certification or equivalent thereto. Open Net filed a lawsuit demanding the evidence of such certification. Currently, 2013Gu-Hap17381

4. Homepage

A. Objective

Open Net provides information that broadens policy options by posting contents on the work of Open Net in various forms such as blog materials or videos. Open Net aims at broadening the spectrum of Internet/IT policies, supporting neutral and objective decision making of policymakers, and enhancing the public's understanding of related policies and phenomena.

B. Outline

Open Net provides related information and materials under the headings of 'Freedom of Speech,' 'Intellectual Property Rights,' 'Privacy,' 'Net Neutrality,' 'Open Government,' and 'Innovation and Regulation.' It also maintains and operates a website 'www.opennet.or.kr' in a way that enables effective search of information and free and robust discussion. Open Net contributes to improving the public awareness by continuous and prompt updates, and utilizes the website as an important medium to induce public participation to its campaigns and civil movements.

C. Details and Outcomes

■ Open Blog

- Open Net publishes columns on current issues written by a fixed number of insiders (registered directors & activists)
- Regarding topical issues, outsiders are additionally solicited for articles depending on the importance.

■ Open Talks

- Open Net posts video logs periodically on six topics - freedom of speech, intellectual property rights, privacy, net neutrality and Internet governance, open government, and innovation and regulation.
- Open Net also shares video recordings of the lectures of the Open Net Civic School, "Internet Law and the Society."

■ Trends and Analysis

- Open Net posts articles introducing and analyzing recent domestic and international trends related to its work.
- More specifically, Open Net focuses on the trends in policies of the administrative branch, newly proposed bills to the National Assembly, and recent judicial decisions, analyzes them, and utilizes the analysis in policy watching.

5. Education

A. Objectives

In order to establish proper Internet/IT policy, it is necessary to increase public awareness and foster a rich pool of researchers. Therefore, Open Net (1) conducts 8-week or 10-week program called the Open Net Citizen's Academy to improve public understanding of the Internet technology and its system, and to provide a forum for discussing current issues involving the Internet, and (2) grants scholarships to foster specialists.

B. Outline

(1) Civic Academy

The Civic Academy is open to general public, and people from related fields and the press are encouraged to participate. Experts are invited to give lectures, and the academy is a place where Internet policy issues are studied and debated.

(2) Scholarships

Scholarships are intended for researchers such as students pursuing degrees in the field of IT policy and civil society group activists. Scholarships are awarded to the winner of a thesis contest. The aim is to foster IT policy specialists by supporting their research and awarding scholarships.

C. Details and Outcomes

(1) Open Net Citizens' Academy - 'Internet Law and the Society'

1st class: June 28 - August 29, 2013 (10 week course), 24 graduates

2nd class: January 9 - March 6, 2014 (8 week course), under way

- ※ Video recording of the lectures are posted on the website and YouTube. Anybody, including the participants, can access the lectures easily and share freely.

(2) Scholarships

December 2013: organization of an evaluation committee

January 2014: finalization of evaluation criteria and opening of a contest on thesis topics (application period - two month)

March 2014: Thesis examination

April 2014: Contest result publication, thesis presentation and scholarship grant ceremony

6. Public Campaign

A. Objectives

Various public actions should be taken to advocate for implementation of proper Internet/IT policies at site. Open Net actively promotes its positions and opinions on current issues by carrying out public campaigns including legislative lobbying, and making public statements and comments. Open Net also suggests proper policy directions to the issues in concern.

B. Outline

Open Net actively suggests its views in the process of policy-making and enforcement by making public statements, carrying out online campaigns, and holding press conferences and meetings.

C. Details and Outcomes

(1) Supporting Proposed Amendment to the Copyright Act

Open Net supports the amendment to the Copyright Act submitted by a group led by MP CHOI Jae Cheon of the Democratic Party, and has been involved from the initial stage. Open Net leads the supporters, and demands striking down the 'three strikes rule' and 'mandatory content filtering' of the Copyright Act.

(2) Supporting Proposed Amendments to the Digital Signature Act and the Electronic Financial Transaction Act

A group led by MP LEE Jong Kul and MP CHOI Jae Cheon of the Democratic Party submitted amendments to the Digital Signature Act and the Electronic Financial Transaction Act that include objection to the policy compelling the use of the accredited certificate. Under the leadership of Director Keechang KIM, Open Net pushes ahead its work on the enactment of the amendment, and continuously carries out campaigns.

(3) Supporting Proposed Amendment to the Child Sexual Abuse Prevention Act

MP CHOI Minhee of the Democratic Party led the submission of amendment to the Child Sexual Abuse Prevention Act. The Amendment restricts the scope of punitive child pornography to those where an actual child or juvenile is clearly discernible. Open Net carries out legislative actions to make the amendment pass the NA. Work on the amendment to the Criminal Code and other laws are also in progress.

(4) Submitting opinions in the process of governmental policy-making and enforcement

Open Net submits opinions and proposes policy agendas to the National Human Rights Commission of Korea and the Personal Information Protection Commission in order to enhance free speech and privacy protection.

(5) Campaigns

- Reform Campaign on the Digital Signature Act and the Electronic Financial Transaction Act
 - Anti-mandatory accredited certificate campaign (<http://opennet.or.kr/anti-cv-oblige>): Demands reform of the laws compelling the use of the accredited certificate (the Digital Signature Act and the Electronic Financial Transaction Act)
 - The Financial Services Commission expressed its willingness to accept the amendments with some adjustments.
 - No ActiveX campaign: 8,500 online signatures collected (as of the end of November)

- Campaigns to support legal actions and demand reform of the Child Sexual Abuse Prevention Act
 - In order to meet its original legislative purpose, the scope of punitive child pornography should be confined to those where a depiction or a person engaged in sexual conduct or obscene behavior is discernible as an 'actual' child. Open Net carries out public campaigns and international solidarity actions to amend the Child Sexual Abuse Prevention Act accordingly.
 - Signature collecting campaign: 9,000 Online signatures; 9,400 online and offline signatures collected in total (as of the end of November)

- Copyright Act Reform Campaign
 - Korea is the first country to legislate the 'three strike rule.' When a user receives more than three warnings, the authorities (the Ministry of Culture, Sports and Tourism, and the Korea Copyright Commission) may shut online accounts of the user.
 - This is a typical poisonous clause restraining access to the Internet, and Open Net carries out public campaigns and reform activities to support the proposed amendment of the Copyright Act.
 - Open Net also works together with international information and human rights groups, and carries out international campaigns. The final goal is to abolish the 'three strike' regime not only in Korea but also in France and New Zealand.

- Finance App Store policy change campaign
 - The policy of the Finance App Store exposes users to security risks when its objective is directly opposite. Open Net carries out public campaigns, makes statements, and holds press conferences to change the policy.

7. Solidarity

A. Objectives

Open Net joins with civic groups in the areas of free speech, privacy, copyright, net neutrality, Internet governance to maximize the impact on policy reform.

B. Outline

Open Net joins with the Net Neutrality User Forum, Internet Governance Working Group, etc., and formed the Coalition on the Child Sexual Abuse Prevention Act. It subsidizes joint activities with the civic groups.

C. Details and Outcomes

(1) Joining the Net Neutrality User Forum

- The Net Neutrality User Forum consists of the Citizens' Coalition for Economic Justice, the Democratic Legal Studies Association, Citizens' Solidarity for Press Reform, the Our Net, the Progressive Network Center, PSPD, Young People's Solidarity for Economic Democracy, the Korean Women Link, Togetherness In Citizens' Actions
- Open Net affiliates participated as speakers or panels in the seminars held by the Net Neutrality User Forum, gave several lectures, wrote few columns on net neutrality, and took part in AprlGF (Seoul) and Global IGF (Bali)
- filed a lawsuit to revoke the disposition of the Korea Communications Commission (now the Ministry of Science, ICT and Future Planning) refusing disclosure of policy materials on net neutrality (April 1, 2013)

(2) the Coalition on the Child Sexual Abuse Prevention Act

- The Coalition consists of Open Net, the Korea Cartoonist Association, Solidarity in Our Cartoons, Korea Cartoon Story Writers Association, the Cultural Center, law firm Yigong, the Korea Internet & Digital Entertainment Association.
- real-time legal counseling through Internet broadcasting (April 24, 2013)
 - Attorney Hong Suk YANG provided real-time free legal advice to judicial victims suffering from the application of the Child Sexual Abuse Prevention Act on virtual images and materials depicting adults in school uniforms.
- Participating in the Seoul International Cartoon and Animation Festival (SICAF) (July 23 ~ 28, 2013)

- Open Net carried out fund raising, reform campaign promotion, closing seminar, signature collecting campaign.
- Global Solidarity Movement
 - Open Net invited Mr. Ogino Kotaro, the representative of NPO Uguisu Ribbon engaged in anti-Child Pornography Act of Japan for a seminar and a press conference (July 1 ~ 3, 2013).
 - Director Kyungsin PARK visited Japan and gave a speech (September 6 ~ 9, 2013).

8. International Projects

A. Objectives

As Internet/IT policies are formed not only at a nation-wide level, but also at an international level, it is important to band together and make strategic communication with international information and human right groups. Open Net strengthens association with international groups to broaden its spectrum and to fulfill its mission.

B. Outline

Open Net holds strategic meetings with international information and human right groups for the openness of the Internet, and participates in the Internet Governance Forum (IGF). It also invites international information and human right groups to its international seminars.

C. Details and Outcomes

- Participating in IGF
 - Open Net participated in the Internet Governance Forum (IGF) held in Bali, Indonesia on October 22 ~ 25, 2013.

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