

Open Net Annual Report 2014

2014 Highlights

April 24: successfully lobbied past the relevant parliamentary committee a Copyright Act amendment narrowing the scope of criminal provisions to infringements of KRW 1,000,000 or more in damages

September 2: won the appeal in the lawsuit seeking damages for the government's blocking of a website parodying the government's banking app store not consonant with open payment standards long advocated for by Open Net

September 26: won at the Supreme Court, which held that pornography featuring adults wearing school uniforms does not constitute "child pornography"

September 30: successfully passed through the National Assembly an Electronic Financial Transactions Act amendment allowing online payments not using government-sponsored electronic certificates

November 24: received KISA¹ award for promoting public interest in 9th Korea Internet Award hosted by the Ministry of Science, ICT and Future Planning

2014 Numbers

No Active X campaign: **10,708** signatures

Child pornography law reform petition: **9,153** signatures

Criminal copyright provision reform petition: **231** signatures

Open Net forums: **9** seminars, **262** participants

Internet Law and Society Academy: **16** lectures, **124** students

Total donations: **KRW 295,782,924** (**11 corporate donors**)

1. Legislative Lobbying & Campaigns

(1) Electronic Financial Transactions Act Reform

- **The National Assembly recently passed the amendment (proposed by MP LEE Jong Kul together with Open Net) allowing online payments not using government-sponsored electronic certificates (ActiveX/ PKI) (Sep. 30).**

(2) Child Sexual Abuse Prevention Act Reform

¹ Korea Internet & Security Agency

- The bill proposed by MP CHOI Minhee is currently pending at the relevant parliamentary committee. (Also, see below for the results of related lawsuits)
- (3) Copyright Act Reform
- **Open Net suggested a bill narrowing the scope of criminal provisions to infringements of KRW 1,000,000 or more in damages, and the revised bill passed the relevant parliamentary committee** and is now pending at the Legislation and Judiciary Committee, which is the final parliamentary committee in the legislation process.
 - 231 online signatures are collected through Copyright Reform Campaign page (<http://opennet.or.kr/7167>) as at November 18.
- (4) Intermediary Liability and Right to be Forgotten Activities
- Held the first seminar in Korea on the ECJ's ruling on the right to be forgotten (Jun. 9)
 - Spoke at a seminar on the right to be forgotten hosted by K-Internet² (Jun. 16)
 - Op-Ed Campaign : "Censorship of Thought and Right to be Forgotten" (Jun. 9), "Data Protection is about Privacy, not about Controlling Others' Talking About You" (Jul. 15), "Right to be Forgotten, Crime of Disseminating Truth and Sewol Ferry Tragedy" (Aug. 2), "Censorship on Search Result Leading to Information Monopoly" (Aug. 14), "Right to be Forgotten Demands Mass Surveillance" (Aug. 14)
 - Joint research with Harvard Berkman Center; international norm-making with EFF, Article 19, etc. (See below for detail)

2. Lawsuits

- (1) Constitutional complaint against the Child Sexual Abuse Prevention Act (Mar. 13, 2013~)
- (2) Constitutional complaint against the mandatory identification requirements under the Juvenile Protection Act (May 16, 2013~)
- (3) Lawsuit seeking damages for blocking a website parodying government's banking app store (Apr. 30, 2013~)**
 - Open Net initiated a lawsuit seeking damages for the government's blocking of a website parodying the government's banking app store not consonant with open payment standards long advocated for by Open Net.
 - **The appellate court sided with Open Net and awarded KRW 1,000,000 in damages (Sep. 2).**
- (4) Lawsuit seeking disclosure of information on alleged Web-Trust certification received by KISA (Jul. 4, 2013)
 - Case withdrawn on January 8, 2014, as KISA received the Web-Trust certification
- (5) Constitutional complaint against the mandatory identification requirements of the Game Industry Promotion Act (Jul. 23, 2013~)
- (6) Injunction against BC Card. Co., Ltd for rejecting transactions without installing Active Xs (Aug. 2, 2013)
 - Case dismissed on August 2, 2014

² association of Internet companies in Korea including NAVER, Daumkakao, Google Korea, etc.

- (7) Lawsuit seeking damages against mobile communication companies for mVoIP blocking (Sep. 30, 2013~)
- (8) Lawsuit seeking to revoke blocking of Grooveshark.com against the Korea Communications Standard Commission (KCSC) (Feb. 3, 2014~)
- (9) Constitutional complaint against the Communications Network Act for allowing certain agencies to collect Resident Registration Numbers (Jun. 13)
- (10) Lawsuit seeking to revoke taking-down of pictures of Yoo Byung-eun's corpse against KCSC (Oct. 30)
- (11) Lawsuit seeking to revoke blocking of 4shared.com against KCSC (under way)

3. Seminars & Open Net Academy

9 seminars:

- Forums on Copyright Act Reform I&II (Apr. 16-17)
- 1st Seminar: "Freedom against Surveillance and Censorship and Data Localization - NSA Spying Scandal and Marco Civil Da Internet of Brazil" (Apr. 24)
- 2nd Seminar: "History of Opposition Movement against Compulsory Personal Identification Number System - focusing on Australia, South Korea, India and Hong Kong" (May 28)
- 3rd Seminar: "Internet Freedom and Personal Information Protection – Recent Ruling of the ECJ on the Right to be Forgotten" (Jun. 9)
- 4th Seminar: "Future of Sharing Economy and Regulation – Uber Case" (Aug. 27)
- 5th Seminar: "Role of the State and Parents in Juvenile Protection" (Sep. 30)
- 6th Seminar: "Fin-tech and Financial Regulation – Conflict and Perspective" (Nov. 18)
- 7th Seminar: "Future of the Internet – Public Good for All or Ecosystem of Its Own?" (Nov. 27)

Open Net Citizen's Academy "Internet Law and the Society"

- 64 students for 2nd Academy (Jan. 9~Mar. 6)
- 60 students for 3rd Academy (Sep. 4~Oct. 30)

4. International Efforts

- (1) Spoke at copyright law "policy-laundering" panel at RightsCON 2014, SF (Mar. 3-6)
- (2) Hosted the Korea Internet Governance Forum (IGF) (Jul. 4)
- (3) Spoke at 2 panels (intermediary liability, surveillance) at APriGF held in Delhi, India (Aug. 5)
- (4) Participating as joint researcher in the Online Intermediaries Project led by Harvard's Berkman Center (Attended Jonathan Zittrain Workshop, August 7, at Harvard, Cambridge)
- (5) Participating in drafting International Principles for Intermediary Liability with NGOs including EFF, Article 19, CIS-Bangalore, etc. (Attended the Steering Committee meeting, October 29-31, London; planning to speak at a session at RightsCON 2015 in Manila)

5. Counselling

- (1) Internet Law Clinic (<http://internetlawclinic.org/>)
 - signed MoU with the CLEC (Clinical Legal Education Center, Korea University Law school), supervises the students participating in the Clinic
 - handled more than 240 cases received through the website
- (2) MoU with Yi Gong Lawyers to provide legal aid to defendants in Child Sexual Abuse Prevention Act cases
- (3) Providing legal aid to defendants facing defamation charges for criticizing the government in relation to the Sewol Ferry Tragedy
- (4) Representing defendants in mass copyright lawsuits against Bit Torrent downloaders

6. Donations

Period: Jan. 1 ~ Sep.30

Total donations: KRW 295,782,924

- Donations from Companies: KRW 289,789,480
- Donations from Organizations: KRW 1,100,000
- Donations from Individuals: KRW 4,893,444