

Kyung-Sin PARK (“K.S. Park”), Professor of Korea University Law School (A.B. in Physics, Harvard University, Class of 1992; and J.D., UCLA Law School, Class of 1995), a former commissioner of [Korea Communications Standards Commission, the country’s Internet/broadcasting content regulation body](#), the National Media Council, and one of the co-founders of [Open Net Korea](#), has written academically and [been active in internet](#), free speech, privacy, defamation, copyright, etc. (quoted in [Freedom House report, New York Times](#)) He has given expert testimonies in high-profile free speech cases concerning *Minerva*, the [internet real name verification law](#), the military’s [seditious book banning](#), the [newspaper consumers’ online boycott](#), and [Park Jung-Geun](#) the one jailed for Retweeting North Korean government tweets. (As a result, the “false news” crime in the *Minerva* case and the internet real name verification laws were struck down as unconstitutional, Park Jung-Geun and *Minerva* were acquitted of all charges, the soldiers challenging book banning were reinstated, the court acquitted the online boycotters of the “secondary boycotting” aspect of the charge (2010-2013)).

In 2008, he also founded the Clinical Legal Education Center of Korea University School of Law (f.k.a. Global Legal Clinic) and under CLEC’s auspices, founded [www.internetlawclinic.org](#) in 2011, a site where people and cultural producers alike can obtain free legal advices in the areas of copyright, trademarks, publicity rights, defamation, privacy, etc, and [www.transparency.or.kr](#), a national Internet transparency reporting project on both surveillance and censorship of the Korean government. In 2005, he founded [Korea University Law Review](#), the country’s second oldest legal periodical in English language, now available in Westlaw.

He also organized and led other litigations in privacy, broadcasting, copyright, and web accessibility as the executive director of both the Law Center of PSPD (since 2006) and the litigation director of Open Net Korea (since 2013), including the [first damage lawsuit](#) against a major portal for [warrantless disclosure of the user identity data to the police](#) (2012), as a result of which, all major portals stopped complying with such data requests by the government. As to the three major telecoms that have continued to comply, the Law Center won [another suit in 2015 forcing them to inform the user on whether such data release has taken place on him or not](#). The Law Center also sued the Korean Prosecutor’s Office [for failing to notify an e-mail user of the fact of seizure of his emails and won a damages award \(2013\)](#) and also won probably [the world’s first damages judgment against a copyrights holder for sending bad faith takedown](#) notice, which in this case was sent against a video of a 5-year old girl’s humming and dancing to a song titled “I am Crazy” (2010). In 2015, at Open Net Korea, he also successfully [challenged KCSC’s decision to block](#) from the country [www.4shared.com](#), a P2P file sharing site, and obtained [a favorable settlement in a suit against Korean Air](#) for its poorly accessible website for the visually impaired. (To note, each of the above privacy judgments was honored with Ten Most Important Judgments designations given by a major daily newspaper HANKYEORE. Also, the Internet real name law judgment was picked by a popular poll in 2013 to be No. 5 in Twenty Five Most Important judgments of the Korean Constitutional Court’s 25 year history.)

K.S. Park also was a key drafting partner in two NGO-led international standard-setting efforts in online privacy and online free speech, namely Principles of

Application of International Law on Communication Surveillance

www.necessaryandproportionate.org and International Principles on Intermediary Liability www.manilaprinciples.org. He was also one of the two co-authors of the Good Practice on Online Intermediary Liability Regimes, a joint paper published by the Global Network of Internet and Society Research Centers, and spearheaded by Harvard University Berkman Center.

[https://publixphere.net/i/noc/page/Online Intermediaries Research Project Good Practice Document](https://publixphere.net/i/noc/page/Online_Intermediaries_Research_Project_Good_Practice_Document)

Between 2002 and 2008, he has served as a legal advisor to Korea Film Council and the Ministry of Culture, representing the country in negotiations concerning the UNESCO Cultural Diversity Convention and the country's first ever film co-production treaty with France. He has represented many film producers in their international distribution, co-production, and development deals, and has authored a world-wide survey of tax incentives for film production.

In 2009, he served as a member of the National Media Council, an advisory body to the National Assembly set up to examine the historic but controversial bills allowing media cross-ownership, among other things. While sitting on the council, he has spearheaded an effort to oppose a new bill creating a new crime of "cyber-insult".

For three (3) years between 2011 and 2014, he has been a commissioner of the Korean Communication Standards Commission, a governmental entity censoring broadcasting and internet contents, where he has given many dissenting opinions. In December 2014, he and MP YOO Seung-Hui succeeded in passing a law that required KCSC to give a hearing to the users before taking down their postings.

All of his academic articles (Korean with English abstracts) on the relevant areas can be found here:

[http://www.riss.kr/search/Search.do?queryText=znCreator,%EB%B0%95%EA%B2%BD%EC%8B%A0\(Kyung+Sin+Park\)&searchGubun=true&colName=re_a_kor&detailSearch=true](http://www.riss.kr/search/Search.do?queryText=znCreator,%EB%B0%95%EA%B2%BD%EC%8B%A0(Kyung+Sin+Park)&searchGubun=true&colName=re_a_kor&detailSearch=true)

His recent major papers are on the nature of SNS communication and the limits of SNS regulation; internet identity verification rule; truth defamation law; the decriminalization of defamation; insult law and its origins; "false news" crimes; the new test of copyright fair use; search and seizure of e-mails; wiretapping and pen register; data protection laws; geolocation information protection laws; administrative censorship; "fairness" doctrine in broadcasting; portrait right; consumer boycotts, etc. Some of the recent titles are:

Understanding of "Google Spain" ECJ Decision : Origins of Informational Self-Determination (2015),

Exceptionality and Instability of Obscenity Regulation (2014),

Internet and Free Speech Regulation Focusing on Anonymity Regulation and Expedited Intervention (2014),

Unconstitutionality of Virtual Child Pornography Regulation (2013),

SNS' Features as Media and Limits of SNS Regulation (2012),

Freedom of Expression under International Law and Its Implications for Korean Legal Reform (2012);

Constitutional Limit on Fairness Review of Broadcasting: Viewpoint Discrimination (2012);

The Blind's Web Accessibility: A Comparative-Legal Analysis with a Focus on the U.S., the U.K., and Australia (2011);

Problems of and Legislative Solutions to Searching and Seizing Electronic Mails (2010)

His articles in English on the relevant areas can be found here:

- [Intermediary Liability in Korea](#)
- [Crisis of Seditious Libel Law in Korea](#)
- [Administrative Censorship on Internet](#)
<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748307>
- [Communications surveillance in Korea](#)
<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748318>

His shorter writings and media interviews are here:

[https://publixphere.net/i/noc/page/Online Intermediaries Research Project Good Practice Document](https://publixphere.net/i/noc/page/Online_Intermediaries_Research_Project_Good_Practice_Document)

<https://www.eff.org/deeplinks/2013/06/call-global-dialogue-principles-cross-border-surveillance-and-korean-prism>

<http://www.nytimes.com/2012/08/13/world/asia/critics-see-south-korea-internet-curbs-as-censorship.html?pagewanted=all>

http://www.ewc50.org/mediaconference2012/tag/kyung-sin-park/#.UwfFG2J_uNk
(mandatory identification)

http://www.washingtonpost.com/world/asia_pacific/due-to-security-law-south-korea-is-stuck-with-internet-explorer-for-online-shopping/2013/11/03/ffd2528a-3eff-11e3-b028-de922d7a3f47_story.html

<http://www.koreaherald.com/view.php?ud=20120326000756> (free speech in Korea)

<https://techpresident.com/news/wegov/23538/south-korean-digital-activists-work-google-toward-digital-freedom>

<http://www.koreaherald.com/view.php?ud=20130415000591>

His book publications are as follows:

Freedom of Speech and Freedom of Communication 2013, Korea

- a 700-page compendium covering various free speech, privacy, and Internet issues such as theories of free speech, insult, real name registration, digital search and seizure, SNS regulation, data protection law
- 표현/통신의 자유

Justice for Hedgehogs 2015, Korea

- Translation of Ronald Dworkin's penultimate magnum opus, adding the philosophical underpinnings of his legal theories.
- 드워킨의 정의론

Guilty of Spreading Truth 2012, Korea

- Survey of laws suppressing free speech and privacy in Korea
- 진실유포죄

'Seeing' Copyright, Portrait Right and Trademarks, Etc. 2008, Korea

- Visual textbooks on entertainment law whereby the readers are introduced to experience the real material that was the subject of major litigations on copyright, defamation, and trademarks.
- 사진으로 보는 저작권, 초상권, 상표권 기타등등

Major Precedents on Ship Owner's Liability Limitation 2009, Korea

- Korean translations of major cases around the world on whether and when to release limitation on the shipowners' liability in maritime cases
- 해상사고선주책임제한 주요 판례집

Life's Dominion: Abortion and Euthanasia 2008, Korea

- Korean translation of Ronald Dworkin's book
- 생명의 지배영역