

Abstract

Improving the Court-Order Framework for Addressing Changed Access Routes to Copyright-Infringing Websites*

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Copyright-infringing websites often evade enforcement by changing domains or URLs and using mirror sites while continuing substantially the same infringement. Korean law offers notice-and-takedown procedures, judicial measures against online service providers (OSPs), and administrative and emergency blocking. Repeated route changes, however, can undermine an initial measure.

Australia and Singapore permit additions of new online locations after an initial order. The United Kingdom and the European Union have developed intermediary injunctions subject to proportionality, while India has developed dynamic injunctions through case law. The United States remains cautious, emphasizing specificity and limits on an order's effect on nonparties.

This article proposes a “changed-access-route response order” based on judicial review after an initial order against an OSP. Upon a right holder's application, the court would decide whether the new route continues the infringement covered by the initial order and, if necessary and proportionate, order feasible follow-up measures against the same OSP. Where relief against the site operator is unavailable, the article also considers a supplementary initial order against an OSP able to implement the measure in Korea. The

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framework seeks to preserve effective relief, legal certainty for OSPs, and users' lawful access to information.

Keywords

copyright-infringing websites, changed access routes, changed-access-route response order, website blocking, online service providers, dynamic injunctions, intermediary injunctions, substantial identity, proportionality