

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 President-appointed Internet/broadcasting content regulation body](#), a member of the National Media Council, the legislature-appointed advisory council overseeing broadcasting ownership, 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, and also won [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. While working as a commissioner 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.

Publications

Book publications, English and Korean:

(Forthcoming) Data Privacy in South Korea (2023), Oxford University Press

(Forthcoming) Book Chapter: "Building Human Rights Framework on Data Localizations: Lessons from Internet Shutdowns Jurisprudence", Data Sovereignty (2023), Oxford University Press

Book Chapter: "Data Innovations and Challenges in South Korea From Legislative Innovations for Big Data to Battling COVID-19", Data and Innovation in Asia Pacific (2021), Konrad-Adenauer-Stiftung, Co-authored with Natalie Paeng,

Book Chapter: “Korea’s Path to Best Practices for Cross-Border Data Flows in Data Governance”, Asian Alternatives How India and Korea Are Creating New Models and Policies (2022), Carnegie Endowment for International Peace

Book Chapter: “Korea’s Challenge to the Standard Internet Interconnection Model”, The Korean Way to Data (2021), Carnegie Endowment for International Peace, co-authored with Michael Nelson

Book Chapter: “From Liability Trap to the World’s Safest Harbour: Lessons from China, India, Japan, South Korea, Indonesia, and Malaysia”, Oxford Handbook of Online Intermediary Liability (2020), Oxford University Press

Book Chapter: “Do We Need to Separate Privacy and Defamation: Comparison of U.S., Europe, and Korea”, Comparative Privacy and Defamation (2020), Elgar Publications

Book Chapter: “Stay Still: Sewol, a Tale of Fatal Censorship, Fatal Paternalism”, Challenges of Modernization and Governance in South Korea: The Sinking of Sewol and its Causes (2020), Palgrave Macmillan

Freedom of Speech and Freedom of Communication (2013), Korean

- 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), Korean

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

Guilty of Spreading Truth (2012), Korean

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

‘Seeing’ Copyright, Portrait Right and Trademarks, (2008), Korean

- Visually rich textbooks on entertainment law whereby the readers are introduced to experience the real-life 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), Korean

- 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: An Argument About Abortion, Euthanasia and Individual Freedom, (2008), Korean

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

Articles in English, all peer-reviewed or peer-edited:

"Reification of Data: the Right to be Forgotten, Data Ownership, Network Usage Fee, and Data Sovereignty", *Brown Journal of World Affairs*, Vol. 29, Issue 1, 2022, <https://bjwa.brown.edu/29-1/reification-of-data-the-right-to-be-forgotten-data-ownership-network-usage-fee-and-data-sovereignty/>

"The Conflict between People's Urge to Punish AI and Legal Systems", *Frontiers in Robotics and AI*, 8:756242, November 2021, co-authored with 3 other authors
(https://www.researchgate.net/publication/355986890_The_Conflict_Between_People's_Urge_to_Punish_AI_and_Legal_Systems)

"Data as Public Goods or Private Properties?: A Way Out of Conflict Between Data Protection and Free Speech", 6 **UC Irvine** *Journal of International, Transnational, and Comparative Law* 77 (2021). Available at: <https://scholarship.law.uci.edu/ucijil/vol6/iss1/5>

"State Immunity as Applied to Colonial Racism and the Japanese Military as Purchaser and Joint Tortfeasor: Case of Korean 'Comfort Women'", 7 **UC Irvine** *Journal of International, Transnational and Comparative Law* 146 (2022). Available at <https://scholarship.law.uci.edu/ucijil/vol7/iss1/7/>

"Criminal Prosecutions for Defamation and Insult in Korean with a Leflarian Study in Election Contexts", *University of Pennsylvania Asian Law Review*, Vol. 12, Iss. 3 [2017]
<<https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1026&context=alr>>

"Administrative Internet Censorship in Korea", *Soongsil Law Review*, Vol. 3, January 15, pp. 91-115
(http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748307)

"Communications Surveillance in Korea", *Korea University Law Review*, Vol. 16-17, May 2015, pp. 53-72
(http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748318)

Articles in Korean, all 49 of them, peer reviewed, with English abstracts can be found here:

<https://www.kci.go.kr/kciportal/po/citationindex/poCretDetail.kci?citationBean.cretId=CRT000470011&citationBean.artiId=ART001250724>. His major papers are on data

protection laws; game industry regulations; FOIA; film industry monopoly; computer hacking laws; freedom of sexual expressions; 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 listed:

Relationship between Game Users’ constitutional rights and Assigning Disease Code to Gaming Disorders (2020)

Allegedly misogynistic visual artworks and appropriate remedies (2018)

Constitutionality of Punishing Automated Commenting and Liking on Political News under Criminal Law and Election Law (2018)

Simultaneous monopolizing of theatres and Korean film distribution-Use of ‘profit squeeze’ under antitrust law (2018)

Constitutionalized Interpretation of Crime of Convening Banned Assemblies (2017)

Applying Right to Be Forgotten to Publicly Available Information under German Data Protection Law (2016)

Constitutional review of “Other Laws and Regulations” Exception to FOIA Obligations (2015)

Constitutionalized Interpretation of Crime of Convening Banned Assemblies (2015)

Quantitative Comparisons of Korea’s Communications Surveillance to that of the U.S., and Recent Changes – Cell Tower Dumps, Mass Surveillance, Subscriber Identity Data, and Notification Rules (2015)

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

Anti-SLAPP Theories and the American Civil Procedure, and a Proposal for Korean Adaptation (2011)

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

A New Definition of Fair Use under Copyright Law (2010)

Textbook Accreditation and Political Impartiality (2009)

A Comparative Study on The Unconstitutionality of Crime of Dissemination of False News (2009)

Toward a Mutually Supportive and Relationship between Cultural Diversity Convention and WTO Treaties -Three Models of Relationship Provisions (2008)

Teaching

Internet Law, UC Irvine Law School, 2017, taught in English

Global Censorship, UC Davis Law School, 2017, taught in English

Entertainment Law (copyright, trademark, privacy, publicity, internet, net neutrality, etc.), Korea University, 2009~ present, every year

International Agreements, Korea University, 2009~present, on average every year, taught in English

Public Interest Lawyering, Korea University, 2009~present, on average every 1.5 year

American Constitutional Law, Korea University, 2000~present, on average every 1.5 years, taught in English

Introduction to American Law, Korea University, 2000~present, on average every year, taught in English

Un-updated selection from his numerous shorter writings and media interviews in English are here (Please request an updated list if needed):

[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>

Before and during his rather public-interest-oriented and academic career, he has also maintained a successful career as a lawyer representing various filmmakers and other content makers, etc. Please request deal sheets if necessary.