
인터넷 명예훼손 방지를 위한 정책과 법안에 관한 연구 - 미국의 통신품위법과 Brodie 사건을 중심으로

배성호*

A Study on the Internet Defamation Policy and Law - Focusing on the Communications Decency Act of 1996 and the Brodie Case

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요약 ‘타진요’ 사건이나 최진실의 자살사건 등에서 보듯이 인터넷상의 명예훼손은 치명적인 결과를 수반한다. 온라인상의 명예훼손은 연예인이나 공인을 넘어서 일반인에 까지 확산되고 있다. 온라인 포럼과 소셜네트워크의 범람은 인터넷 명예훼손의 피해자들에 대한 체계적인 보호 장치가 절실히 필요함을 반증한다. 그동안 우리나라는 미국의 유사한 해당 법률과 정책을 기반으로 「정보통신망이용촉진및정보보호등에관한법률」 등을 통해 네티즌과 인터넷 서비스 제공자 간의 법적인 책임에 대한 범위를 규정함으로써 인터넷 명예훼손을 방지하려는 시도를 해왔다. 그러나 내용의 진위여부와 관계없이 인터넷 명예훼손의 피해자들은 제대로 된 보상도 받지 못한 채 낙인으로부터 자유하지 못한 것이 현실이다. 따라서 본 연구는 우리의 인터넷 명예훼손 방지 법안의 근간이 된 미국의 「통신품위법」과 최근 메릴랜드주 항소법원의 판례인 Brodie 사건을 고찰함으로써, 우리의 인터넷 명예훼손 방지 정책이 나아가야 할 실질적인 방향을 분석하고자 한다.

주제어 : 명예훼손, 인터넷, 인터넷 명예훼손, 통신품위법, 정보통신망이용및정보보호등에관한법률, 온라인서비스제공자

Abstract Defamation is one of the most frequently occurring daily legal violation because it can easily be done by words. In the internet generation with flooding internet forum websites and social network services, internet defamation is becoming one of the most serious problems in many leading IT countries including Korea and the United States. Being such a critical issue that can lead to a suicide, Korean policy makers has undertaken efforts to prevent the internet defamation by defining the liabilities of internet users and internet service providers. Many of the policies and laws including “the Telecommunication Information Usage Promotion and Security Protection Act of 2007” are modeled after that of the United States. Thus, the study aims to explore American defamation law and internet defamation law analyzing “the Communications Decency Act of 1996” and a recently decided precedent, “Brodie” case, in Maryland state court.

Key Words : Defamation, Internet, Communications Decency Act, Internet Service Provider, Internet Defamation

1. Introduction

It was within one year that three celebrities (Yuni, Jung Da Bin, and Choi Jin Shil) committed suicide due to internet defamation from 2007 to 2008. “Ta Jin Yo”, the internet community organized in 2007 to discover

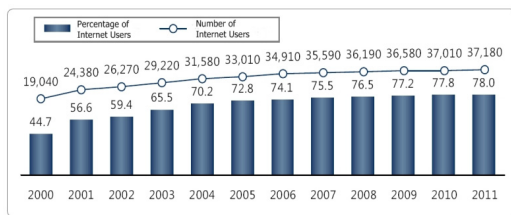
the truth of Tablo’s bachelor’s degree from Stanford University, lasted for 5 years on the internet community with full of defamatory statements. Tablo sued 11 core members of Ta Jin Yo, and 9 of them were criminally convicted while Tablo and his family members were seriously damaged both mentally and

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financially [16].

The victims of internet defamation is not confined to celebrities or politicians in Korea. Rather, the ramification is extending broader and faster to general public, business owners, and organizations. In other words, all internet users are exposed to internet defamation. According to a survey report by Korea Internet & Security Agency (KISA), 78 percent of the population are using the internet in Korea. As shown in figure 1, the percentage doubled in the last decade.



[Figure 1] Internet Users Trend in Korea
Source: www.kisa.or.kr

In 2010 KISA survey report, 26.4 percent of the internet users answered anonymous defamation statement as an uncomfortable aspect of the internet. In the 2011 report, however, the answer to the same question went up to 52.7 percent. In a year, the percentage doubled. It implies that more than half of the internet users in Korea consider internet defamation as a internet-based social problem.

According to another survey conducted by Korea Communications Standards Commission (KOCSC), there has been 810 internet defamation reported to the agency as of June 30, 2012. Mr. Jeong Ho Park, the Assistant Manager at the User Rights Infringement Review Division said the number in the survey represents only the “reported” cases, but there are a lot more “unreported” ones because internet defamation cases usually lasts months or even years to settle. Park added that many cases involving business entities are usually settled through internal dispute settlement mechanisms within the company and not reported due to the possibilities of business secret leak [8].

The Telecommunication Information Usage

Promotion and Security Protection Act was enacted in 2007 to prevent the internet defamation. Article 44 Section 2 of the Act limits the liability of internet service providers, but the protection and damage for victims of the internet defamation are not as clearly defined as the liability [3],[4]. The Act was modeled after the Communication Decency Act of 1996 in the United States. Especially, the limited liability theory for the internet service providers in the Telecommunications Information Usage Promotion and Security Protection Act is similar to the Communication Decency Act. Thus, it is imperative to understand the legal theories behind American defamation law and cases to examine the current Korean law and to make productive suggestions for possible revisions to the law.

This study will first offer an in depth overview of the American defamation law, including the elements of the cause of action and how the cause of action is proved. The first section will stretch its analysis on the balance between defamation and the First Amendment right of free speech. Next, focus will shift to the study of internet defamation that distinguish internet defamation law from traditional defamation law. Finally, the study will conclude with policy suggestions for the Korean internet defamation law.

2. Legal Theories of American Defamation Law

2.1 Defamation Law: An Overview

Defamation falls under the category of Tort law. Unlike criminal law which allows a plaintiff to seek punishment against a defendant in a lawsuit, tort law is a legal instrument that allows a plaintiff to pursue monetary damage rather than punishment.

Black’s Law Dictionary defines defamation as “the act of harming the reputation of another by making a false statement to a third person.” In addition, Restatement (2d) of Torts § 559 explains that “a

communication is defamatory if it tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him.” As the two definitions suggest, what makes a statement “defamatory” depends on whether the statement inflicts some adverse effect or damage upon “value of a person’s reputation.” There is a general misunderstanding that name calling should be considered defamatory because it can hurt emotion of a person. However, whether a statement including name calling can be defamatory or not has nothing to do with emotion or feeling of a person. The measurement of defamatory statement strictly depends on whether the statement actually damaged value of the person’s reputation. In cases of name calling, what is damaged is not one’s reputation, but emotion. Thus, legally speaking, name calling cannot be a cause of action for defamation claim.

On the other hand, tort law recognizes an opinion as defamatory if the statement is based on an allegation of facts that reflects the person’s character negatively and can be backed up with truthful facts. Even when the opinion is not carried to a third person with any explicit facts, courts will determine that the opinion is defamatory if the statement creates reason to believe for the third person that the statement can be backed up with alleged statement of facts. Of course, such statement must be made while the defamed person is alive. Defamatory statements against a deceased person is not considered defamatory within the meaning of Tort law.

Defamation is divided into two categories. One is libel and the other is slander [15]. Libel occurs when a defamatory statement is expressed in a fixed medium, such as writing, picture, sign, or in a electronic form including hard drive or internet. Slander is a defamatory statement expressed through speech.

Restatement (2d) of Torts § 558 lays out elements of defamation as follows [6].

§ 558. Elements Stated

To create liability for defamation there must be:

- (a) a false and defamatory statement concerning another;
- (b) an unprivileged publication to a third party;
- (c) fault amounting at least to negligence on the part of the publisher [with respect to the act of publication]; and
- (d) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.

As explained above, a statement becomes defamatory if the statement results in damage to value of one’s reputation. Element (a) in the Restatement § 558 adds one more requirement, which is “falsity.” So, the statement has to be defamatory and false to start a defamation claim. The falsity requirement plays an important role in affirmative defense analysis which will be discussed below.

Heavy emphasis on the words “publication” and “a third party” is required to analyze element (b). Publication requires some form of expression of one’s opinion, thoughts, or statement. Publication in this context does not confine its meaning to the written sense. In addition, the defamatory statement also must be conveyed to a third party. In other words, any defamatory statement that is not passed to a third person but stayed between the speaker of the statement and the defamed plaintiff would not satisfy the publication requirement. Consequently, any act of sharing such a defamatory statement in any form with any third person would suffice publication requirement within the meaning of the tort law.

What if the speaker of the statement did not intentionally publish such a statement, but accidentally says or show the written statement to a third person? Element (c) answers to this question. As element (c) explains, it would not matter at all whether the defamatory statement is published with intention or by accident. The standard required for the fault of publication is “negligence.” It means that the publication by mistake or by accident would be enough to meet the requirement of element (c).

Lastly, element (d) states about damage requirement. Damage analysis takes two different route depending on whether the defamation is libel or slander. First, no damage needs to be proven for libel. Thus, by meeting elements (a), (b), and (c), a plaintiff would have a *prima facie* defamation case against a defendant if the alleged defamation is libel. Second, on the other hand, slander makes it necessary for a plaintiff to prove damage more than mental distress or social injury exception for *slander per se* in order to establish a *prima facie* defamation claim. There are four most widely recognized *slander per se*: defamatory spoken statement about (1) plaintiff's conduct which would negatively affect his/her business or profession, (2) plaintiff's crime of moral turpitude, (3) plaintiff's loathsome disease, or (4) plaintiff's unchastity in case of a female plaintiff [14]. In other words, if defamation occurs through *slander per se*, a plaintiff only need to prove element (a), (b), and (c) just like libel. However, a plaintiff must prove additional damage requirement of element (d) if the defamation is based on slander.

There are four most widely recognized affirmative defenses to defamation claims. Those are consent, truth, and privilege. First, if a plaintiff gave consent to a defendant prior to publication, the defendant would be able to use such the consent as a valid defense. Second, a defendant would not be held liable if an alleged defamatory statement is a true statement. This is because of the element (a) above on the "falsity" requirement. If the statement is true, then it cannot obviously be false. Thus, it does not meet element (a), and the plaintiff cannot establish a *prima facie* defamation claim. Courts requires the statement to be "substantially true." In other words, minor details that are not exactly true but do not affect overall truth of the statement would be overlooked by the courts. Third, some privilege including spousal communication, government officers while on duty, and socially valuable occasion of speech like letters of recommendation are valid defense to defamation [19].

2.2 Defamation vs. the First Amendment

Just as in any other judicial systems, the interests served by defamation in tort law clash with the First Amendment right of free speech. This is especially prevalent in public officials or public figure libel cases.

In *New York Times Co. v. Sullivan* (376 U.S. 254, 84 S.Ct. 710 (1964)) a few African-American Clergymen criticized Montgomery, Alabama's police chief describing actions against civil rights protesters using the New York Times full-page advertisement titled "Heed Their Rising Voices." Montgomery, Alabama's police chief L. B. Sullivan brought a defamation lawsuit claiming that the inaccurate criticism of the actions in the advertisement was defamation against him due to his position and his professional duty to supervise the police department. The jury in Alabama state court awarded \$500,000 to the plaintiff, and defendants, the New York Times and the African-American clergymen, appealed. However, Alabama's Supreme Court affirmed. Then, defendants appealed again to the Supreme Court claiming that the statements in the advertisement were protected under the First and Fourteenth Amendment of the Constitution.

The Supreme Court held that if a public figure brought a defamation lawsuit, he/she must prove that such a defamatory statement was made with actual malice. Actual malice could be proven if actual knowledge of falsity or reckless disregard for the truth was present at the time when the statement was made. In this case, the Court explained that actual malice is established if the write knowingly published a false statement. Since the decision of the case, public figure plaintiff's burden of proof has become higher. Such a plaintiff must prove actual malice in addition to all the elements in general defamation [11].

In "Supreme Court Nominee Elena Kagan: Defamation and the First Amendment", the Supreme Court Justice Elena Kagan expressed her concerns on the expansive scope of public figures or matters of public concerns since many modern defamation cases regarding public figures have grown to include even

celebrity gossip cases. Justice Kagan further explained that expanding protection to such cases is outside the range from the central meaning of the First Amendment, “namely to protect against all infringements the right of a sovereign people to criticize the government policy and public officials [5].”

3. Internet Defamation Law in the United States

3.1 Internet Defamation Law in the United States

The massive impact of the internet as a communication tool between people, business entities, and governments open doors to freer communication regardless of time or distance. In fact, due to the transfer of vast majority of most traditional media communication from paper to internet and advent of various social network services, the internet defamation claims has constantly increased. One of the most influential factors is that almost all social network service providers including Facebook and Twitter, blogs, and community sites allow users to freely express their thoughts anonymously. Anonymity on the internet allows users freer discussion opportunities because the users could write without fearing other’s repercussions. Because of hidden identity on the internet, people can easily talk about and share information that they might normally be cautious to do so offline. As a consequence of such freedom, people discuss sensitive issues like physical abuse, sexual orientation, and medical conditions of others without being worried about negatively affecting their everyday lives. A recent report by Sweet and Maxwell, a law firm based in the United Kingdom shows that there has been a 50% increase in social media defamation law suits from October 2009 to November 2010 [7].

Unlike the traditional defamation law discussed above in 2.1, internet defamation law is a developing area of law in the United States and most other judicial

systems. Most courts review internet defamation cases based on the Communications Decency Act of 1996. There have also been efforts by some state courts to determine internet defamation cases purely on the basis of precedents, such as *Independent Newspapers, Inc. v. Brodie* in Maryland.

3.1.1 The Communications Decency Act (CDA)

In 1996, the United States Congress passed the CDA to regulate and censor pornographic or obscene material. After its initial attempt to inhibit the incessant spread of pornography and other obscene material, the CDA made it clear that the act upholds the illegality of defamation on the internet. Distinction between the terms “internet service provider” and “information content provider” is necessary to understand the protection and liability defined by the CDA. Internet service provider (ISP) includes any organization which provides access to the internet. In Section 230 of the CDA, information content provider is defined as “any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service [13].” The reason this distinction becomes important is due to the range of protection and liability defined by the CDA.

Sections 230(c)(1) and 230(e)(3) provides that “no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider,” and that “[n]o cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section.”

The language in the two sections makes it clear that Section 230 of the CDA gives internet service providers specific exemption from liability for defamatory comments posted on their websites by users [2]. It means that such an exemption is available for internet service providers, but not for information content providers.

While internet service providers might safely

assume that the CDA provides an absolute immunity, the CDA protection would be limited in three ways.

First, internet service providers will still be held liable if the providers post their own content. This is intuitive because the internet service providers not only keep their identity as internet service providers, but also add another identity as information content providers as soon as they post their own content. As a result, identical legal duty is imposed on the service providers as all other regular users, or information content providers. Second, internet service providers will be subject to liability for breach of contract or false advertising where they make marketing representation on their websites. Third, in *Barnes v. Yahoo!, Inc.* (570 F.3d 1096 (2009)), the court determined that internet service provider is liable for its failure to remove third party's content as promised to do so. The court explained by applying promissory estoppel that Yahoo, the internet service provider, assumed an obligation to remove defamatory content about Barnes, and Yahoo's nonperformance is estopped.

Although the CDA almost guarantees wide range of protection for internet service providers with little exceptions, it overlooks the difficulties with proving defamatory comments by a plaintiff. The plaintiff face major hurdle from the first step because tracing an anonymous defendant can become extremely hard, if not impossible, especially when the anonymous defendant posted the defamatory comment using public computer like the ones in internet cafe, library, or business. In addition to finding the writer, the plaintiff also must prove that the statement is false, and the defendant intended to cause damage to the plaintiff's reputation. The last obstacle for the plaintiff is that there is a twelve months statute of limitation for internet defamation cases in most states. The clock starts from the first moment when the defamatory statement was posted online [18].

It is true that the CDA offers some range of protection to defamed plaintiffs. However, the CDA's major concern focuses on the protection of internet

service providers by exempting them from liability for users' defamatory statements. Considering both the largely disproportional level of protection provided to the internet service providers and the defamed plaintiffs and the difficulties that the plaintiffs must bear to initiate an internet defamation lawsuit, litigation might not be the most ideal option for the plaintiffs. What makes the internet defamation litigation worse for the plaintiff is that litigation in general is expensive, takes long time, and the outcome varies. Thus, before choosing to file a lawsuit, the defamed party is strongly encouraged to protect him/herself with media liability insurance. Media liability insurance is specifically designed to deal with the cost of defamation both online and offline. Most major insurance companies offers media liability insurance [18].

3.1.2 Independent Newspapers, Inc. v. Brodie

Independent Newspapers, Inc. v. Brodie (966 A.2d 432 (Md. 2009)) is one of the most recent internet defamation cases decided by the state appellate court. Three anonymous defendants known to Brodie, the plaintiff, only by their user name left defamatory comments on a website forum or message board hosted and provided by Independent Newspapers, the internet service provider and one of the defendants. The plaintiff requested the newspaper to hand over the identities of the three Doe defendants. The newspaper rejected the request arguing that the information of the three Doe defendants were protected by the First Amendment. The trial court finally ordered the newspaper to produce the information. The newspaper appealed. The trial court's order was reversed in Maryland's Court of Appeals because the plaintiff failed to name the exact participants in the newspaper's forum in his complaint. Reversing the trial court's order, the appellate court provided guideline for trial courts regarding future internet defamation cases involving anonymous writers. The guideline, the "Brodie Test" is composed of five elements: (1) must notify anonymous writers that they are subject to

subpoena or order of disclosure; (2) must withhold action and give the anonymous writers opportunity to respond; (3) must identify the exact statements alleged to be defamatory; (4) must establish a *prima facie* defamation case; and (5) satisfying all else elements, must balance the anonymous writer's First Amendment right of freedom of speech against the strength of the *prima facie* case of defamation filed by the plaintiff and necessity for disclosure of the anonymous defendant's identity, prior to ordering disclosure [1], [10].

Again, similar to the implication of the CDA, the Maryland court's Brodie test made it more difficult for the defamed plaintiff to win the internet defamation case. The elements from (1) to (4) are similar to requirements for general defamation claims and the CDA, and as explained in 3.1.1, the plaintiff's burden is already heavy enough to bring the lawsuit. However, adding element (5) which involves an in depth constitutional analysis imposes trial courts extra obstacle and burden on the plaintiff as a result [1].

4. Conclusion

Both the Communication Decency Act in the United States and the Telecommunications Information Usage Promotion and Security Protection Act in Korea provides some level of protection for the internet service providers. However, what matters more, if not the most, in the internet defamation cases is probably the protection for the victims. Victims must be the center for the protectional measures, such as law or policy.

In Texas this year, the 348th District Court in Fort Worth awarded Mark and Rhonda Leshner, a couple, \$13.78 million against the defendant who posted defamatory statements on the web forum, Topix.com. The damage award included the plaintiff's mental anguish, loss of reputation, loss of business, a hair salon and a day spa the plaintiff owned in Texas [9]. In 2009, the Texas court awarded Orix Capital Markets,

LLC \$12.5 million in internet defamation lawsuit. \$2.5 million was in compensatory damages, and \$10 million was in punitive damages. In 2006 [12], Florida state court awarded Susan Scheff against the defendant \$11.3 million for internet defamation [20].

On the other hand, damages award for the victims in Korea is either not specified or very low compared to that of the United States. Most internet defamation cases in Korea goes to criminal lawsuit, and the defendants are criminally punished and the highest possible fine is capped under KRW 50,000,000 (\$50,000) according to Article 70 of the Telecommunications Information Usage Promotion and Security Protection Act [3]. In August 2011, the Supreme Court of Korea awarded Doosan Corporation KRW 20,000,000 (\$20,000) against Mr. Doe Kim for posting false and defamatory statement on internet blogs and social network service about Doosan's leading Soju, "Choum Choe Rum." Kim did not stop posting the defamatory statements on the internet even after the Supreme Court's decision, and he was sentenced to 10 months in jail in August 2012 [17]. Compared to the United States, Korean damage award is small.

It is true that the damage award by the Texas and Florida court seem to be extraordinarily high. Unlike the car accident cases in torts where simple math would calculate the medical bills and loss of income, damage assessment for defamation is not as easy and clear cut due to its nature of damage in "reputation." There is no set standards for reputation damage calculation as well as emotional distress caused by the defamation.

However, it is clear that at least "more-than-average" damage award would certainly create deterrence effect on the internet users, especially those who "enjoy" posting derogatory statements without any second thoughts.

Korea is a highly reputation-oriented society. Damage on one's reputation gets easily stigmatized regardless of the truth of the facts. In many cases, people with damaged reputation becomes almost

incapacitated and lose their identity as a productive member of the society. Regaining the reputation could take years or even life. Consequently, they face overwhelming economic loss which can hardly be earned again.

In August 23, 2012, the Constitutional Court of Korea decided that real-name system on the internet for identity verification and other purposes was unconstitutional. The decision surely has its significance for two reasons. First, the decision ended a long-standing debate about the constitutionality of the real name system and finalized the political controversies on this issue. Second, the decision would become a stepping stone to a freer flow of ideas on the internet hoping for the availability of higher quality information on Korean internet websites. However, there is no question that the decision of the Court would spur more internet defamation cases in Korea because hiding identities of the internet users became “constitutionally guaranteed.”

Under currently available screening system, the victims of internet defamation can request deletion of the defamatory statements about themselves through an online reporting service provided by the KISO (“Korea Internet Self-governance Organization) as long as the victim meets three requirements. First, the victim must show that it is himself/herself who is reporting the defamation. Second, the victim must show the reasons for reporting the defamatory statements with its content. Third, the victim must provide either the exact address (URL) of the website that contains the defamatory statement or at least a screen shot of the website if the address is not available. Members of the KISO are major ISPs (internet service providers) in Korea including NHN Corporations, Daum Communications, SK Communications for NATE, and Yahoo! Korea [21]. With such a membership that covers almost all major ISPs, the reporting service seems to be efficient for the protection of the victims.

In fact, it is true that the KISO reporting system did help reducing the internet defamation. However, the

problem is that victims must report the defamatory statements during the KISO’s regular business hours, which is from Monday to Friday 9am to 6pm. Unfortunately, defamatory statements can be posted anytime, especially during late hours. Such statements spread very quickly. Consequently, the defamatory statements would already become damaging to the victims by the time they find them out and report to the KISO. To make the matters worse, there are six steps to take for the completion of the reporting process. In other words, the KISO reporting system is too slow with great possibilities for missing the right time to prevent internet defamation although it might provide minimal protection to the victims. Time is of the essence for prevention of internet defamation and protection of the victims.

Thus, Korean internet policy makers must take two important factors into consideration. First, they should draft a more easily calculable and readily applicable damage award assessment system focusing on economic losses for the victims of the internet defamation cases. Careful research and categorization of the damages will enable policy makers to come up with intuitive damage amount. Second, there needs to be instantly available defamation reporting system for the victims. If having a representative on 24 hour basis is unrealistic by the KISO, there must be at least some kind of automated system to temporarily block access to the website containing reported defamatory statements until the report system can begin by the KISO during its regular business hours.

In addition, policies must be written and enacted to encourage Korean courts to raise the damage award. Raise as excessively as that of the United States is apparently impractical in Korea, but the amount should be at least high enough to deter the internet users from freely writing defamatory statements. Since internet defamation always happen in a cyber space, deterrence is one of the most effective ways to send the practical message to the anonymous internet users. Policies and laws that provide internet defamation victims with

protection at least as equal as the internet service providers would well balance both legal and moral rights and obligations among the victims, service providers, and the users of the internet. It is the right time, if not too late, for Korean policy makers to set examples for prevention of the internet defamation.

Reference

- [1] Donohue, B.(2011). Independent Newspapers, Inc. v. Brodie: Maryland's Precarious Balance Between Internet Defamation and the Right to eAnonymity, *Journal of Business & Technology Law*, 6(1). 197-230.
- [2] Horton, E. A.(2009). Beyond Control?: The Rise and Fall of Defamation Regulation on the Internet, *Valparaiso University Law Review*, 43(3). 1265-1316.
- [3] Jung, C.(2009). A Study on Defamation in Cyberspace, *The Korean Journal of Sports and Entertainment Law*, 12(4). 367-394
- [4] Kwack, B.(2006). A Problem of Regulation and Countermeasure on the Criminal of Libel in Cyberspace, *Law Review*, 23. 371-388.
- [5] Liu, C. E.(2010). Supreme Court Nominee Elena Kagna: Defamation and the First Amendment, *Congressional Research Service*, 7-5700. 1-5.
- [6] RESTATEMENT(SECOND) OF TORTS § 558 (1977).
- [7] Sweet & Maxwell.(2010). Defamation Cases Increase by a Third, *Mattison Public Relations*. 1-4.
- [8] Wilson, S.(2012) Corporate Criticism on the Internet: The Fine Line Between Anonymous Speech and Cybersmear, *Pepperdine Law Review*, 29(3). 533-584.
- [9] www.abcnews.go.com
- [10] www.applieddiscovery.com
- [11] www.casebrief.com
- [12] www.citmedialaw.org
- [13] www.cyberdefamationlawyer.com
- [14] www.eff.org
- [15] www.ibls.com
- [16] news1.kr
- [17] news.mk.co.kr
- [18] www.reputationhawk.com
- [19] www.rotlaw.com
- [20] www.usatoday.com
- [21] www.kiso.or.kr

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