

COPYRIGHT PROTECTION V. PUBLIC MORALITY: THE COPYRIGHT PROTECTION DILEMMA OF PORNOGRAPHY IN A GLOBAL CONTEXT

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ABSTRACT

This paper explores the copyright protection for pornography in a global context, using U.S. obscenity and copyright law as the primary frameworks for legal analysis. Specifically, it examines the relationship between copyright protection and public morals within those countries which prohibit pornography. Until the 1990s, Asian and Middle Eastern countries, which had lagged behind in terms of adopting communication technology such as video tape recorders, did not experience the sexual revolution that the Western societies have experienced from the 1960s. However, in recent years hard-core pornography has become a worldwide commodity owing to the spread of Internet technology and accelerated globalization. In spite of the fact that pirated pornography is rampant in the pornography prohibiting countries, pornography is still generally prohibited and the associated copyright protection are consequently ignored. Although public morality may be used as an ad-hoc reason for making pornography an exception to copyright law, the application of such a policy should be limited and not based on political elites' presumptions but rather on systematic surveys of public morality.

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