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Making Our Media: Global Initiatives Toward a Democratic Public Sphere

Chapter 9

THE ELECTRONIC FABRIC OF RESISTANCE: A CONSTRUCTIVE NETWORK OF ONLINE USERS AND ACTIVISTS CHALLENGING A RIGID COPYRIGHT REGIME [*]

Kwang-Suk Lee

In South Korea law and policy on intellectual property (IP) has been entirely subordinated to international agreements and the interests of domestic IP holders. Since the mid-1990s the Korean government has affiliated with international intellectual property institutions and has been rapidly incorporated into a worldwide IP system that aims to monopolize the nonmaterial resources of the knowledge society. South Korea became a party to the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) in 1995, the Berne Convention for the Protection of Literary and Artistic Works in 1996, and the World Intellectual Property Organization (WIPO) Copyright Treaty in 2004. Heedless of the communicative needs of its citizens to share freely all kinds of material and immaterial assets, the Korean government has sought to gain a share in the new imperial power of global capital. The wholesale subordination of the Korean government to the international IP system is at odds with the public's interest in free cultural expression. Vastly expanding citizens' liability for copyright infringement and the privatization of the public domain has produced a general chilling effect on citizens' rights, such as criticism, commentary, news reporting, teaching, scholarship, and research. The Korean IP regime, thus, has alienated the public's rights to intellectual assets, which are essential to a democratic society.

In South Korea social conflicts arising from IP issues erupted over the revised Korean Copyright Act of 2004, which strictly banned the uploading or sharing of copyrighted music files, visual images, and video clips on individual blog sites, online fan club cafés, and personal Web sites. The revised Copyright Act was passed without any attempt to seek public consensus on the issue. When it came into effect in early 2005, Internet users resisted copyright holders and the politicians who had pushed the law through the parliament by spontaneously organizing countercopyright Internet cafés (voluntary online gatherings organized around shared interests), staging a one-person picket protest in relays in front of the parliament building, and holding electronic teach-ins. Internet users considered the enforcement of the rigid copyright law an attempt at social control comparable to the political shackles imposed by the earlier military regimes that ruled South Korea until the 1990s.

This chapter examines the autonomous activities of Internet users to counter the new IP regime, specifically, how Internet users and civil rights groups joined together early in 2005 to construct a widespread network of resistance against the 2004 Copyright Act. During the first quarter of 2005, Internet users' counteractivities were spontaneous and voluntarily interconnected without any help from the civil rights movement. The users' activities sprang spontaneously from anger that the government's IP regime would deprive them of their rights of cultural expression, which had previously faced little regulation. Later, the widespread resistance of Internet users to the government's policies transformed into a united front with civil rights groups against the IP regime. Moreover, the users' actions provided the momentum to hammer out an alternative license model, which civil rights groups designed for the purpose of softening the rigid copyright system. My focus here is on the context and the chronology of events and issues in late 2004 and especially in early 2005 that led to the rise of e-resistance in South Korea. To add depth to this examination, I also refer to in-depth interviews of opinion leaders in civil rights groups who were deeply involved in organizing the resistance of Internet users.[1]

In my investigation of Internet users' activities targeted at a specific sociocultural agenda both online and offline, I adopt Hardt and Negri's (2004) concept of the multitude—a new social class that attempts to mobilize a network with its neighbors in order to obtain a set of resources with which to build a political project by itself. This concept was originally used to describe a unified power of many voices resisting global capitalism, but here the concept is applied to the many and varied citizen stakeholders who resisted the current trajectory of the South Korean IP regime.

This study stresses the importance of looking at how different citizens, whether individual Internet users, online activists groups, or offline civil rights groups, worked together to articulate an alternative vision of copyright. The Korean experience of resistance to the IP regime suggests that there is limited value in illegally sharing copyrighted intellectual works among users; what is really needed is to explore ways to legitimate a model of sharing creative works that is more open, more liberating, and more conducive to democracy and a free culture. The solidarity of Internet users and online activist groups in organizing both online and offline protests and in developing an alternative licensing model offers an example of how to resist copyright policies tailored exclusively to the economic demands of the global market.

From Political Democracy to Cultural Expression

After being liberated from the twenty-six-year Japanese military occupation (1919–1945), Korea was split into two nations through civil war in 1950, and the country was left in ashes. Korea had little experience of the representative system of democracy found in advanced Western countries, and this political immaturity enabled a series of autocratic governments to wield oppressive power over the citizens. In South Korea the first authoritarian and military regimes during the period from 1948 to 1992 were based on the disciplinary logic of confinement, censorship, centralization, and physical violence (Lee, 2007). The government's resort to physical violence sparked movements for political democracy, particularly after widespread street protests against corrupt politicians in the mid-1970s.

In South Korea, up through at least the early 1990s, the grid of military-authoritarian practices that threatened citizens' rights was pervasive: for instance, the national ID system identifying each Korean, the use of paramilitary violence to break worker unions, the use of closed-circuit television for policing, the widespread practice of government eavesdropping, and politically motivated investigations of activist citizens. During the 1970s and 1980s, the regime in power employed a wide variety of means to compel most citizens to become docile subjects, imposing a curfew, forcibly shearing the hair of "hippies," torturing political activists, searching citizens' possessions on the street, and silencing the voice of leftists in the public arena. During the dark days of these repressive military regimes, Korean citizens were eager to have more political rights, such as freedom of speech, expression, and assembly.

After entering into a stable phase of civilian government, the public's interest shifted from focusing on demands for political democracy to the protection of cultural expression. This shift can be viewed as an extension of democratic concerns into a new cultural arena. With the widespread dissemination of digital communications in the 1990s and 2000s, Koreans have discovered the freedom afforded by electronic conduits of cultural expression. The eruption of sociocultural exchange spurred by the mobility and interconnectivity of new communication technologies has acclimated citizens to speaking out in their own voices and expressing their own values. The ecology of the citizens' autonomous culture has shifted from the street barricade struggle of resisting authoritarian regimes by throwing stones and Molotov cocktails to resisting the dominant discourses of society through electronic forms of cultural expression such as the Internet café, electronic forums, blogs, and text messaging with mobile phones. In the process, Koreans have become "citizens of the Internet," or "netizens."

The swift change in the public culture has been facilitated by the Korean government's policy drive to shift the national economy from traditional labor-intensive industries to cultural or knowledge-based economies (Lee, 2006). For instance, in 1999, to promote broadband Internet networks at the national level, the Korean government and the Ministry of Information and Telecommunication

launched the Cyber Korea 21 (CK21) project aimed at creating a "knowledge-based society" in order to improve "national competitiveness" and raise "the quality of life to the level of the more advanced nations" (NCA, 2002: 79). CK21 increased policy support for building IT businesses, established policy goals for advanced information and communication economies, and set forth guidelines for information technology (IT) growth. And, in fact, the quality of life was improved by the rapidly increasing economic opportunities arising from access to commercial broadband Internet made possible by the implementation of major electronic networks for e-commerce. In 2003 CK21 evolved into the E-Korea Vision 2006 (E-KV06), the goal of which is both to promote the "information society" at the national level and to gain "strong ties of international cooperation toward the global information society" (NCA, 2003: 10). Recently the government has launched the slogan "U(biquitous)-Korea," which is intended to encourage the integration of all communication systems and electronic devices. The government hopes thereby to promote the image of South Korea as one of the world's most developed Internet and wireless nations. Meanwhile, in 2005 the Ministry of Culture and Tourism published a "white paper" describing the "C-Korea 2010" vision of a so-called creative or cultural national economy (MCT, 2005). It aims to encourage foreign exports of Korean music, dramas, and film, promoting Korean entertainers in the Asian entertainment market and installing international trade fairs and film and leisure-sports festivals in major cities designated as international cities of culture or tourism. Moreover, the Korean government aims to further economic development by adopting Western copyright regimes that are highly protective of copyright owners. Displaying an economic reductionism of culture, the Korean government identifies "culture" with having a highly profitable entertainment industry and sees enormous advantages stemming from the industrialization of culture. The economic role of Korea as a major Asian hub of the cultural industries explains why the South Korean government voluntarily conformed to this global intellectual property system. However, the government's embrace of the Western copyright system resulted in suppressing the Korean people's burgeoning cultural expression on the Internet.

Due to the government's neoliberal IT policies (largely characterized by the privatization of the state-owned telecommunication infrastructures, a retreat from social welfare programs, and extreme IT commercialization by the private sector), the number of mobile phone and Internet users is rapidly growing in South Korea. As of January 2005 there were more than 36.5 million registered mobile phone users in a population of 48 million and more than 7 out of 10 households had broadband Internet access. In fact, many Koreans spend a good deal of time on electronic networks—playing online games in the Internet café, decorating their blogs, communicating with each other using mobile devices, connecting with hobby or interest groups through Internet portal sites, and exchanging audiovisual materials with others. Most significant is the sharp increase on the Korean Internet of political criticism and commentary, such as that found on amateur online journalism and parody sites that monitor, critique, and ridicule corrupt politicians or autocratic actions of governmental officials. This constant communication through electronic media and the rise of a culture of free expression via these media laid the groundwork for fierce antipathy to IP regimes among Korean netizens (Lee, 2005). The new digital culture of Koreans has gradually developed into a more democratic vision of culture, one that goes beyond merely providing profitable entertainment.

e-Empire versus the Multitude

Before examining the specific instance of resistance to the IP regime in Korea, it will be useful to give a Marxist and critical political economy view of the relationship between cultural goods and capitalism. This view allows us to understand why struggles over intellectual property have become increasingly acute. Following the age of "imperialism," which was based on the colonialist mechanism of dominance and dependency through the forcible occupation of physical geographies, we have entered into the new age of "Empire," in which, through the economic domination of global capitalism, "rule has no limits" and "encompasses the spatial totality" of the globe (Hardt & Negri, 2000: xiv). In the new age of Empire, the sovereignty of nation-states has declined, and global

capitalism has begun to make profits mainly by immaterial labor—intellectual labor leading to the production of cultural goods that must be protected by powerful intellectual property laws in order to realize market prices (Hardt & Negri, 2004: 109). What is significant is not so much the expropriation of value—traditionally accomplished by having laborers work more hours than wages covered or by extracting more labor power in less time—as "*the capture of value* that is produced by cooperative labor and that becomes increasingly common through its circulation in social networks" throughout the world (Hardt & Negri, 2004: 113; emphasis added). Examples of the capture of value produced by cooperative labor are the Hollywood film production system and Microsoft's software production. Castells (1996) delineates the transformation of capitalist accumulation from sweatshop economies to knowledge-based economies and comments on both the possibilities and the limitations of the information and communication technologies. Castells's concept of informational capitalism as a new mode of capitalist development indicates the new linkage between information/culture and productive force, the linkage by which information/culture in this new phase of capitalism becomes the essential element for "smart" productive processes and for the commercialization of information/culture itself.

The industrial age based on the hardware of production has been transformed into the new age of "soft(ware)" and cultural production (Kroker & Kroker, 1996: 75–88). The expropriation and privatization of the common cultural assets of humankind have become the ultimate goal of "cognitive" or "informationalized" capitalism, a mode of capitalism that depends primarily on the commercialization of information/culture and its protection by intellectual property mechanisms (Dyer-Witheford, 2005; Schiller, 2007). The unlimited desire of capitalism will be perpetuated as long as it can discover new frontiers of commercialization. Virilio (1997: 119–45) describes how the incessant desire of modern capitalism has been promoted by "speed" and "mobility." Enabled by the speed of electronic networks, the effect of "temporal-spatial compression" (Harvey, 1990: 121–200) facilitates the production and exchange of immaterial products such as financial capital, electronic business data, and entertainment content.

Moreover, the global conduit of electronic communications becomes the material infrastructure of contemporary global capitalism, allowing immaterial labor products to be disseminated throughout the world.

To designate global power that has been both modulated through the media and networks and brought about by the private appropriation of intellectual labor, some cultural theorists call the current global capitalism the "electronic Empire" or "eEmpire" (Raley, 2004) or the "information empire" (Poster, 2004). The new electronic mode of global capitalism is sustained by "a loose assemblage of relations characterized by . . . flexibility, functionality, mobility, programmability, and automation" (Raley, 2004: 132). The assemblage of loose but integrated communication networks serves as an "instrumental facilitator of Empire" (135). Within the global geography of the electronic Empire, Korea's functional value is as a nodal point both for disseminating the ideas of the quasi-governmental nerve centers—such global regulatory entities as the WTO, the WIPO, and TRIPs—and for making profits through the export of information/culture goods into the developing Asian countries. Since the mid-1990s Korean IP policies have been entirely subordinated to supranational economic institutions that represent the global economic order of intellectual property regimes. The rapid enlistment of Korea into the new "global quasi-government" (Hardt & Negri, 2004: 175) signifies the increasing power of these global institutions that mediate among nation-states so as to build a knowledge-based economic order. In making laws and judicial decisions about property rights related to digital information, Korean technocrats and courts have gradually internalized the policies and rulings that the supranational economic institutions seek to legitimate without considering what is best for the Korean public. For instance, the Copyright Act has been revised eleven times since its enactment, responding to the demands of the global IP regime.

The incorporation of Korean information technology and cultural policies into a new imperial mode of production is far from the normative role of the state as a public mediator, which guarantees the equal rights of the citizen and which thus should defend citizens' common intellectual heritage against the losses caused by an overly restrictive IP regime. The public commons is "the body of creative

works and other knowledge—writing, artwork, music, science, inventions, and others—in which no person or organization has any proprietary interest" (Wikipedia, 2005). The rapid privatization of the commons was the collaborative work of proprietary desire and governmental support, expanding the powers of government and private interests while the citizens' access to these resources was diminished.

Despite the structural metamorphosis of capitalism from a concentrated "accumulation of power by the sovereign" under the old system of imperialism "towards the dispersal of power" throughout the world market under the new electronic system of Empire (Miller & Yúdice, 2004: 5), the dominant network of Empire and, within it, the momentum of resistance by the oppressed always coexist. In their second volume of *Multitude*, Hardt and Negri (2004: 36–62) note that the network of Empire is simultaneously a description of the physical conduit for contemporary global power and the necessary form of counterinsurgencies opposed to this power. In other words, "power and resistance both have the same form and can thus appear indistinguishable" (Brown & Szeman, 2005: 380). Ironically, the same electronic infrastructures set up for the global markets of Empire have been used for free speech by "'new subjectivities' [that] are formed through [the] media and networks" (Poster, 2004: 324).

"The living alternative that grows within Empire" is designated "the multitude" by Hardt and Negri (2004: xiii). The multitude encompasses all classes that desperately resist the dominance of Empire. Plurality and internal differences that form multiple networks of resistance characterize the multitude (xii–xvi, 99–113). In other words, while the multitude is a set of singular individuals and groups (singularity/plurality), these individuals and groups work and act in common and share common goals (unity/commonality) (103, 105). Moreover, the multitude is not a fixed but an open, inclusive, expanding network that is mobilized in communication between one local struggle and another (213). Hardt and Negri describe the multitude as a "class" newly defined by ongoing resistance against Empire (103), a concept of class that goes beyond the orthodox Marxist concept of the class struggle between the bourgeoisie and the proletariat. Brown and Szeman

(2005: 377) consider the mode of organization indigenous to Hardt and Negri's multitude as a "distributed network, more or less spontaneous and temporary alliances coordinating different agendas without a central command." This network of resistance is quite expansive and open to embracing new groups that have various political and cultural voices. The networked multitude is well skilled in using modern technologies such as the Internet and wireless communications as "emancipatory media" (Terranova, 2004; Enzensberger, 1974: 95–128).

Hardt and Negri (2004: 87) describe the genealogy of modern forms of resistance: they have evolved from a unified and centralized structure through the polycentric model to the current distributed, or full-matrix, network structure of resistance. While emerging from within the new imperial sovereignty as the force of counter-Empire, the multitude mobilizes what it produces in common against the imperial power of global capital (Hardt & Negri, 2004: 101). The multitude creates a democratic solidarity, forming the electronic fabric of resistance so as to fight for a common agenda of resistance against the oppressive dimensions of global capitalism, simultaneously encouraging the multiple desires of each class, group, and individual.

The Electronic Fabric of Resistance

In Korea the formation of the multitude was brought about by reactions against the suppressive momentum of economic neoliberalism and the political conservatism of imperial capitalists and national policy makers, as well as by the strong feelings of the citizens about sociocultural agendas. Through technological advances such as the national installation of broadband Internet networks and the popular use of mobile handsets, Korea's citizens are asserting public opinions and cultural styles, which were once only represented by conservative big media. Viewed through the lens of Hardt and Negri's concept of the multitude of resistance, the recent Korean citizens' movement enacted e-resistance by weaving together a spontaneous, indeterminate, informal, and complex network of singularities in order to act as a commonality.

In the 2002 Korean presidential election, an election campaign using mobile phones was very effective in organizing citizens and uniting them on the agenda of political democratization. At that time, using their own cell phones, Korea's younger citizens mobilized and encouraged friends, families, and peers to vote for the progressive candidate. The younger generation, those in their twenties and thirties, with access to instant messaging and e-mail engaged in a "mobile politics" that made use of wireless devices (Kim, 2003). Prior to the widespread distribution of electronic media that could be used for self-organized resistance, conservative big media had been the main source of influence over public opinion. The new wave of network politics has begun to allow anonymously scattered citizens to mobilize each other to protest against the politically conservative government. Patterns of organization among Korean netizens are mobile, rapid, network-based, interconnected, and nomadic, enabling them to speak freely in their own voices in both online and offline space. This new mode of resistance has allowed the multitude to express its anger toward social issues and to criticize the bureaucratic and myopic view of market-driven policies. Networked technology contributes to a common agenda by uniting citizens' micro-narratives that are dispersed across physical space.

Korean multitudes have demonstrated distinctive abilities "to capture the new technologies of power" (Poster, 2004: 329). Their methods of resistance are creating a new paradigm for the social participation of citizens. This new paradigm—spontaneous but unified action through the electronic network—has become both popular and powerful. Another example is, OhmyNews, a Korean online news site launched in 2000 with the editorial principle that "every citizen is a reporter," has enlisted 38,000 "citizen reporters" who publish about 150 stories on the site each day (http://www.ohmynews.com). The Web site now draws half a million visitors a day and has become one of the alternative Internet media framing the public agenda. With the growth of guerrilla media on the Internet, electronic networks have been increasingly used for mobilizing enormous citizens' rallies on socially sensitive issues. For instance, in June 2002 a citizens' rally commemorating the tragic death of two teenaged girls struck by a U.S. military

vehicle was initiated for the first time by one citizen's online posting expressing anger at the presence of U.S. Armed Forces in Korea. The temporary rage was gradually transmitted to the online forums and cafés where citizens posted their opinions, discussed the political and military condition of Korea that caused the tragedy, and set the date for an offline rally. The staging of several rallies sparked a wave of anti-U.S. protests and later forced the government to scale down its plan to send Korean troops to Iraq.

An Embryonic Phase of Resistance

The formation of resistance against the IP regime stems from a growing commitment to free cultural expression in Korea. The wave of anti-IP resistance was relatively small in the scale of its offline protest as compared with two other cases of "e-mobilization," the mobile democratic revolution during the presidential election of 2002 and the peaceful candlelight vigil protesting against U.S. troops in several major cities that same year. Nevertheless, the wave of anti-IP sentiment among Koreans during the first quarter of 2005 signaled the first resistance of Korean netizens to the IP regime. Today's Korean online culture of resistance was greatly affected by the early e-mobilizations, and this online culture has gradually developed into a sphere for raising citizens' political consciousness and for recognizing how the intellectual property regime severely constrains the cultural freedom of citizens.

Between 1957, when the Copyright Act was first enacted in South Korea, and 2004, it has been revised eleven times—three of them since 2000. The trajectory of the act's revisions can be summarized in a phrase: "the reinforcement of intellectual property rights" for the copyright owners and holders (Hong, 2005: 9). In October 2004, without any public discussion on this sensitive issue, some conservative members of the Korean parliament pushed through a twelfth revision of the Copyright Act that dramatically increased copyright owners' rights. The revision gave copyright owners an absolute monopoly over digital content and extended authors' copyrights to the span of their lifetimes plus 45 years. On January 17, 2005, the revised Copyright Act, which included controversial

provisions that rigidly applied proprietary rights to immaterial labors, took effect. Under the revised copyright law, copyright owners gain the rights of transmission of artistic products over the Internet and all mobile communication devices; anyone who enjoys the new culture of sharing can be prosecuted for copyright infringement. This has led to the policing of images uploaded for decorating Web sites, background sounds for blog sites, lyrics from commercial music, and essays copied from online newspapers or magazines. Even if such sharing is for individual, noncommercial purposes, the use of copyrighted works without their owners' permission, such as uploading and linking others' creative works, is illegal.

Initially, Internet users responded by opening Web sites and Internet cafés for sharing information about the revised provisions of the act. However, the gradual growth of users' anxieties about being subject to charges of copyright infringement developed into enormous anger at the rigid application of copyright. Another event simultaneously lit the fuse of citizens' anger at the copyright agenda. Controversy was caused by the emotional question of whether the Korean national anthem should be protected by private property rights. The family of Eak-Tai Ahn, who composed the national anthem, owned the rights. Early in 2005 rumors circulated that the government was trying to purchase the rights to the anthem and the Ahn family was negotiating for royalties. In fact, since Ahn's death in 1965, the law guaranteed the family a 50-year copyright term lasting until 2015. Most citizens were astonished to learn that the anthem was owned by one family, the Ahns, who live on an island east of Spain. Thousands of citizens organized online campaigns arguing free use of the anthem. Confronting the embarrassing situation of the rights to the Korean national anthem, "Aegukga," public outcry arose against the copyright payments. Surrendering to public sentiment, the Ahn family donated the song's copyright to the Korean people in March 2005.

The incident left Korean citizens feeling that copyright law could prevent them from freely singing even their own national anthem without permission. Moreover, Korean citizens learned the unwelcome fact that when copyright owners demand their property rights to control a perceived communal cultural resource

such as the national anthem, the government may have little power to intervene. The national anthem incident revealed that copyright can also act as an obstacle to cultural expression, and it fanned the antagonism of the Korean people against restrictive copyright law. The revised Copyright Act further compromised the free speech rights of Internet users by giving private corporations more power to control the production, circulation, and distribution of intellectual property.

An Evolving but Ephemeral Phase of Resistance
Compounded by the antagonism to copyright evoked by the debate over the national anthem, netizen protest against the 2004 Copyright Act gradually snowballed. Another intellectual property–related matter aroused citizens' anger even further. In March 2005 three conservative politicians in parliament attempted to strengthen copyright holder rights again by proposing an even more restrictive version of the Copyright Act to supplant the 2004 version. The new move to favor copyright holders was actually a direct response to the WIPO's Performances and Phonograms Treaty (WPPT), which aims at modernizing and protecting the copyright of music in the age of digital networks. In fact, the WIPO had urged the Korean government to ratify and implement the WPPT. The WPPT and the corresponding revision of the proposed Korean Copyright Act are aimed at controlling noncommercial radio stations, known as webcasters, on the Internet. These online stations had not been liable for copyright infringement before its enactment. Ironically, the politicians who proposed the new copyright regulations were criticized for hypocrisy because their own homepages were full of copyright infringements such as posting newspaper articles and background music without the permission of copyright holders—another blow against the legitimacy of the proposed copyright regime in the public's eyes.

This latest proposal ignited a campaign by a coalition of Internet users and Internet-based civil rights groups—including the Jinbo Network, the Civil Alliance for Cultural Reform (CACR), MediAct, and IPLeft—called the Disobedience to the Copyright Act campaign, which produced the "Joint Statement by Netizens on the Current Copyright Act." Jeong-Woo Kim, executive director of IPleft, an activist

group promoting alternatives to copyright, recalled active and autonomous response of netizens against the copyright legislation:

> Netizens were inactive and unorganized, but, when given the specific goal of opposing copyright, they organized autonomously and worked against copyright issues for quite a long time period. Through such Internet cafés as "No Music, No Blog!" (NMNB) and "Netizens are Not Copyright Criminals!" (NNCC), netizens expressed various opinions on the revised and proposed Copyright Acts on their electronic bulletin boards, and consulted together about sending protest emails to members of parliament who proposed the revised act and who worked for the Ministry of Culture and Tourism. Moreover, some moderators of the Internet cafés had attended an offline roundtable meeting [followed by a press interview] sponsored by activists from civil rights groups, and at that time, we decided to stage a one-person picket protest in relays in front of the parliament building. (Kim, interview, August 27, 2005)

Kim's comments describe how the unorganized individuals and groups on the Internet were gradually transformed into "multitudes" knowing how to enact their feelings of anger and how to empower their actions by cooperating with well-organized activist groups. The two Internet cafés, NMNB and NNCC, spontaneously appeared in January 2005 and had grown into online community groups with memberships of 1,855 and 451, respectively, according to statistics posted on their official Web sites (available at http://cafe.naver.com/nomusicnoblog.cafe and http://cafe.daum.net/nethim). Moreover, some netizens emerged who designed alternative and not-for-profit uses of immaterial labor in digital capitalism: FreeBGM.net was created by a young netizen, calling himself "empty-headed hacker," who campaigned for the sharing of noncommercial music. Within a few minutes after he launched his Web site campaign, 700 subscribers enlisted, and it began averaging 20,000 visitors per day. Some progressive musicians also started to waive their copyrights and to distribute mp3 music without any compensation.[2] Despite their rapidly growing strength online, netizens' anti-IP protests were a trifling matter to the offline world,

especially in comparison to the rapid mobilization of citizens for rallies in major downtown streets in the 2002 presidential election and the candlelight vigil protests against U.S. troops. Byong-Il Oh, executive director of the Jinbo Network, a civil rights group, expressed his disappointment at the level of netizens' offline action: "In the case of the one-person picket protest [against the copyright], actually, netizens' attendance was low. It was mostly activists in the Jinbo Network, IPLeft, and the CACR who staged the picket protest in relays, with little netizen support" (Oh, interview, August 16, 2005). Jeong-Woo Kim also expressed the same opinion about netizens' offline activities:

> While they actively resisted the copyright regime in online space, netizens were quite passive in offline activities. Netizens showed a coordinated and enormous power in e-resistance against copyright, but could not maintain such power in the long term. Their online actions also gradually vanished along with the fading of the copyright agenda framed by the media. (Kim, interview, August 27, 2005)

. By April 2005 the joint activities of netizens and civil rights groups had ceased, and the copyright issue was pursued by civil rights groups alone. For example, subsequent moves against the copyright regime, such as "A Forum for Enacting a Reasonable Copyright Act" held on April 4 and "A Written Opinion by Civil Rights Groups Concerning the Proposed Copyright Act" issued on April 25, saw more participation from traditional grassroots activists such as labor activist groups and critical artists groups than from general netizens. A netizen alliance against the copyright regime lasted the short span of three months (January–March 2005), although the anti-IP cafés have been maintained until the present day (October 2005). If the cyberprotest of netizens was vibrant but ephemeral, was it ultimately meaningless? Although their e-resistance—establishing online protest groups, posting comments on the Web sites of IP-related institutions, announcing targeted politicians who were violating the revised Copyright Act, and sending e-mail criticizing the revised act to relevant officials—had a short life span, netizens showed a great deal of power to change the culture of society. The netizens' stimulus led activist groups to more effectively construct the fabric of electronic

resistance and thus to refuse the one-way flow of copyright enforcement. The problem is how to promote the possibilities of resistance constructed by anonymous netizens while avoiding their potential deficiencies—the lack of an offline presence and the short life span of their resistance.

Toward a Metamorphosis of Resistance

Figure 1 offers a time line of netizens' e-resistance and civil rights activism against the revision of the Copyright Act, as well as the catalyzing national anthem issue.
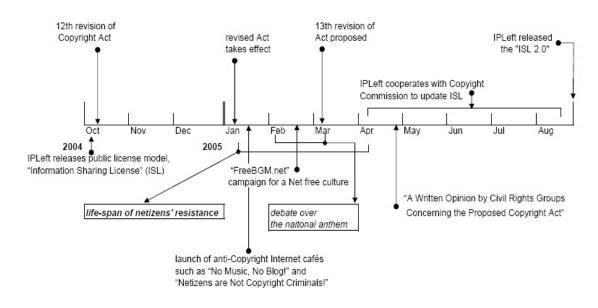

Figure 1. Timetable of Anti-Copyright Resistance in Korea

The autonomous resistance movement of netizens in early 2005 forced policy makers to incorporate elements of free culture at the institutional level. For instance, it was October 2004 when IPLeft published the first official version of the alternative copyright license model called the Information Sharing License (ISL), aimed at embedding a radical vision of communitarian ownership in the current copyright system. The ISL allows copyright holders to grant some of their private rights to the public when releasing their works. It is an attempt to create tactically advantageous tools to cultivate public values adequate for a locally grounded copyright culture that could invade entirely privatized realms, but it had not been greatly popularized among netizens until early February 2005. Since then the

Ministry of Culture and Tourism announced that it would accept the ISL on its Web site, if IPLeft would refine the ISL in collaboration with the Commission for Copyright Deliberation and Conciliation (this commission, established under the Copyright Act of 1987, is, according to the official Web site, "in charge of the promotion of copyright and neighboring rights among artists at the policy level"). Such collaboration was previously unimaginable because policy issues related to copyright have been determined by the government alone, but IPLeft and the Copyright Commission worked on this project from April to August 2005, and IPLeft released the "ISL 2.0" in September that year. Won-Jae Lee, one of the secretaries-general in the Civil Alliance for a Cultural Reform (CACR), sees clearly the possibilities of netizen power:

> Unlike the traditional political movements of activists, [Korean] netizens' resistance is deep in explosive power and wide in the coordinative pattern of self-organizing networks. The new pattern of resistance will encourage the awakening of a cultural consciousness that is deeply submerged in the average netizen, and ultimately the autonomous resistance of netizens will be used to widen the boundaries of the current anti-IP activist camp. Most of all, the flexible and multi-channel networks of coalition between activist groups and citizens could be a stimulus for forming counter-copyright movement in the longer term. (Lee, interview, August 21, 2005)

While Lee emphasizes the protest pattern of netizens, Byong-Il Oh focuses on the leading role of the civil rights groups in forming a countercopyright movement: "If the public agenda of the civil rights groups could not evoke the reaction of netizens, this fact proves a weakness of the movement." Therefore, he argues, "the overall project which will bring together netizens on the battle lines against copyright should be hammered out in the near future" (Oh, interview, August 16, 2005). Otherwise, both Lee and Oh view the short span of netizens' e-resistance as a hindrance to mobilizing resistance. Lee noted that other contributors to the fragility of netizens' resistance include the movement for customers' rights—so-called lifestyle politics (Cheta, 2004)—and the depoliticized tendencies of protesting, which were often seen in the netizens' demands for cost-free use of audiovisual

data on the Web rather than for the removal of the copyright culture itself. Civil rights activists have access to a huge mobilizing force of netizens, but to use this resource effectively will require close collaboration between the political activism of civil rights groups and the enormous forces of netizens that could be brought to bear if facilitated by civil rights groups.

Reconfiguring Cyberpolitics

The present study traces the progress of an anticopyright campaign in early 2005. The following observations can be made on the evolution of e-resistance.

(1) Although Internet user groups are often unstable and have short life spans, they created significant social momentum generated from the Internet-based free culture by using the electonic fabric of words. Eventually this had the effect of promoting the incorporation of the public license, or ISL 2.0, into Korean copyright policy through collaboration between IPLeft, a grassroots group, and the Copyright Commission, a regulatory institution.

(2) The new conditions of resistance were favorable to a horizontal coalition between hard-core Internet users and civil rights activists on specific, targeted issues. Once Internet users, through blogs and other Web sites, made government policies an issue, civil rights activists supported their resistance against the copyright regime and extended their activities in a more cooperative way. They proposed alternative policies through a joint meeting, statement, and protest that essentially challenged the existing IP regime.

(3) The time span from forming an agenda to organizing resistance is rapid due to the speed of communication in the Internet era. Netizens' anger was facilitated by instant mobility, although their coordinated power withered in two or three months. Nevertheless, the upsurge of netizens' e-resistance in early 2005 shifted government policy toward both embracing the public license model and reflecting the interests of the various stakeholders in the proposed copyright revision.

The traditional model of street protests was employed during Koreans' political struggles for radical democracy under the military regimes of the 1980s and early 1990s. The traditional tactics of resistance, such as barricade protests, political forums, colloquiums, and teach-ins have been revitalized by the electronic activism of Internet users and civil rights activists who use the Internet as a tool for public participation in democratic policy formation. Forms of resistance employed by Korean netizens in the resistance to the copyright regime, however, showed us the contrasting characteristics: By using new technologies and the opportunities for networking they create, the new electronic generation in Korea has found a path of resistance to capitalist commercialization of culture. In establishing Internet cafés and clubs, Korean netizens have learned how to appropriate the networks of e-Empire to serve their own values such as free speech and the culture of free sharing, even though the scale of e-protest was confined within national boundaries. This e-resistance is a response to the current changes in capitalist power, which happens in the era of e-Empire to those of the "nomadic" model (Deleuze & Guattari, 1987), relies on electronic networks of communication and organization, and seeks to capture and control cultural products. It is also an example of local resistance to an increasingly restrictive international regime of intellectual property rights. While the copyright regime has attempted to privatize the public domain of culture, the electronic resistance of the Korean "multitude" has cultivated the public domain of data, information, and knowledge as a democratic sanctuary. For instance, the public license model developed by IPLeft and the free culture campaign by FreeBGM.net in Korea are valuable endeavors aimed at creating an information commons in society that is not only a cultural heritage that allows anyone to use and build on the common resources of science, education, communications, and culture without permission but also a realm of a civil society that represents the public's interests and discourages the granting of monopolies on information rights. These alternative experiments function as essential safety valves in society to protect citizens' free expression from the profit-driven privatization of intellectual resources. Moreover, the social push toward

equal public rights of citizens who can freely speak about, use, adopt, modify, and create new works is conducive to creating a democratic ethic in society.

The alternative space of the electronic network has vastly increased the power of collective resistance by allowing atomized and disconnected individuals to come together and find power in e-resistance. Moreover, the solidarity of autonomous user groups and online activist groups has revealed new possibilities for revitalizing the public domain as a resource of public goods for the citizenry, even in the midst of weak-kneed national IP policies and rigid international IP regimes catering to the software, music, and film industries. By examining the rise of e-resistance in Korea, this study has ascertained that it is now possible for a coalition of individual Internet users, online activist groups, and traditional civil rights groups to use the Internet as a tactical tool allowing the multitude to speak out in their own voices from below and to reconceptualize copyright policies in a way that benefits the public good. It remains to be seen, however, how far the new forms of e-resistance can instigate change without the reinforcement of the traditional model of public resistance in the streets.

Notes

[1] E-mail or telephone interviews were performed using an open-ended informal questionnaire. The interviews aimed mainly at exploring the informants' perspectives on the rigid IP regime and on the social scene of struggle occupied by the counter-IP resistance.

[2] At that time some Korean composers and singers who managed their own Web sites (e.g., Lunatiq.co.kr, chaekit.com, and songnlife.com) aggressively opened their mp3 files to free access on the Internet so as to protest against the enforcement of the rigid copyright regime (Oh, 2005).

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