

-  
( )

1.

(Internet) 3,700  
1). 가 (World Wide Web)  
3 2 가 , (4.0%), (1.6%),  
82.3%가 가 , (1.5%), (1.1%)  
(1.5%), (1.1%)  
1 가 .4) 가  
, 5 5 70  
가 24.2% 가 ,  
22%, 13%, 10.4%, 5.6%  
1.6% 11 .5) 가 (Global Information  
Infrastructure, GII) 가  
, 가  
, 가  
, 1996 6 (S. Dalzell) 가  
가 가  
가 .6)  
, 가  
.7)  
,  
, 가  
(Internet  
community) 가 , (backbone)  
, 가  
가

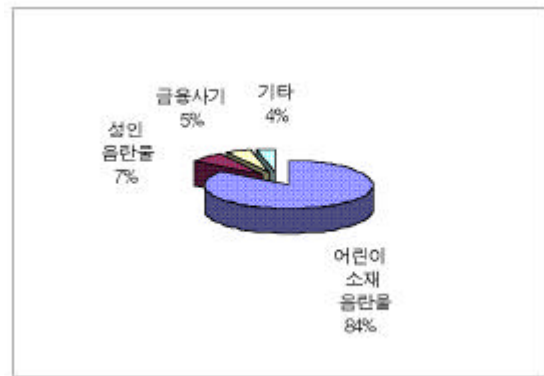
가  
가

가 가

( < 1 > ).8)

21

가  
OECD, EU



< 1 >

\* (Internet Watch Foundation, IWF)

('96. 12 - '97. 11);

: 4,300

\* : IWF 1 (1998. 3)

2.

가

(Penber, 1996).

가

(public interest)

가

(absolutist theory)

(Hugo Black)

(William Douglas)가

, ' (ad hoc balancing theory)' .  
 가 .

. , 가 .

, ' 가 (preferred position balancing theory)' .  
 , 가 ,  
 가

, ' (Miklejohnian theory)' . 1940  
 (Alexander Miklejohn) " (Free Speech and Its  
 Relation to Self-Government)" .  
 (self-government) . ,  
 , ' (access theory)' . ,  
 1960 가 .

. 1974 ' (Miami Herald) (Tornillo) ' .

1969 ' (Red Lion Broadcasting) (FCC) .

가 .

3.

가

가

가

, 가

가

< >

가 가

(Communications Decency Act)

1996

5

1997

6

(pornographic information)

2

25

(J. Stevens)

(pornography)

가

가

, '

(indecent materials)'

가 가

(D. Coats)

1997 11

'98 7

(harmful information)

6

5

5

가

가

(communication),

가

(1)

;

(2) (simulated) (sexual act) (sexual contact), ,

;

(3) , , , 가 (hate speech) 가 , (spam)

가 (Platform for Internet Content Selection, PICS) SafeSurf RSACi SurfWatch, Net Nanny

'98 7

< >

가 (child pornography) 1978 " (Protection of Children Act 1978)" (publication)' (transmission)' (photograph)' (pseudo-photographs)'

'98 1 25 (R v. Karl Niklass) (Bristol Crown Court)

9

(ISP) 가

. 2 27  
(Usenet)

(Metropolitan Police)  
(child porn)

, 1996 ,

가

.  
Service Providers Association, ISPA)  
Internet Exchange, LINX)  
Foundat ion)

(Internet  
(London  
(Internet Watch

'98 3

.9)

10

5

(0 - 4)

< >

" '97 2 (Munheim)  
" 가

(T-Online) (CompuServe) 2  
(Deutch Telecom)

1997 8 (Federal  
Information and Communications Services Act, IuKDG) (Media Services  
Interstate Agreement, MStV)

Providers, ISPs) IuKDG 1 5 (Internet Service

, 가

, ISP가

가  
가

,  
가

3 가 ISP .  
ISP 3 가  
(access providers)  
1996 (Telecommunications Act) 85  
가

(ISP) .  
, ,  
,  
< >

가 ,  
가  
'97 5  
(ISP) (Nifty Corp.),  
50

(negligence)  
3 「 」  
.10) 가  
(hardcore pornography)

.11)  
「 」 '98 5

.12)

40%가

가

,

(MTI)

가

(ENC)

1997 2

< 가 >

가

(Singapore Broadcasting Authority, SBA)

1996 7 15

SBA

1996(Class Licence Notification)

,

(1)

(2)

(3)

(4) (pornography)

(5)

SBA '96 7

가

(ISP)

(IP)

가

'98 3 16 3

(ISPs) - CyberWay,

SingNet, Pacific Internet -

"가

(Family Access

Networks)"

(CyberPatrol)

(NetNanny)



4 .

가

가.

가

가

1) (common carrier model)

가 가 , 가

가

가

가

가

가

가

1996 2

(Telecommunications Act of 1996)

2) (broadcasting model)

가

가 가

3)

가

가

4)

가 가 가

1)

가 가 가 가

, , , 가 , 가  
,  
가 가 가 가  
가

「 」 「 」

2)

가 가 가  
가

(network provider), (Internet service provider, ISP),  
(information provider, IP), (ender-user)

1) (network provider, NP)  
AT&T, MCI, Sprint  
(Regional Bell Operation Companies)

가

2)

(Internet service provider, ISP)

3 가

1996

(LuKDG)

가

3 가

가

1991

(Cubby v. CompuServe)

가

1997 11  
3 가

ACL(Zeran v. AOL)

ACL

Zeran

1995

(Stratton Oakmont v. Prodigy)

가

가

, 가 가

1997 8  
Online)

(America

(IP)가

(Blumenthal)

3

'98 4  
(P. Friedman) 1996

(47 U.S.C. section 230)

' 3 가

가 (gossip)

(M Drudge)

가

가

, "

가

"

.13)

, (Wilhelm Hubbert) " " '98 5 (CompuServe Deutschland) (Felix Somm) 2 , (Internet service provider, ISP)가  
 2 . 3 가  
 3 가 1995 1996 3 가 13가 1997  
 4 .<sup>14)</sup> PC (ISP)  
 2 13 PC ' 3 , 53 , 16 , PC  
 PC 21 , 6 PC  
 .  
 3) (information provider, IP)

, (Blumenthal) (Drudge) AOL . (Sanford  
 1998 3 (spam) 1  
 Wallace)가

.<sup>15)</sup> 가  
 .  
 4) (ender-user)  
 가  
 가  
 . 1998 9 2

&lt; &gt;

- 1) Markoff, J. (September 15, 1997). Net connects 26 million computers, according to survey. *The New York Times*.
- 2) NEC (NEC Research Institute) (Nua Internet Surveys, 1998. 4. 6.)
- 3) (Alis Technologies and the Internet Society)가 1997 6 (Babel Survey) (The New York Times, 1997. 11. 25).
- 4) Emarketer , 98 6 1 7 (The New York Times, 1998. 6. 18). Nua Internet Survey , 98 9 1 4 7 (<http://www.nua.ie/survey>).
- 5) Euro-Marketing Associates (The New York Times, 1998. 6. 18).
- 6) Mendels, P. (1996, June 13). 3 judges, 3 voices, 1 conclusion. *The New York Times*; *ACLU v. Reno*; *ALA v. Reno*).
- 7) (UNESCO) 12 . Australian Broadcasting Authority (1997, October). *The Internet and some international regulatory issues relating to content*. Sydney: ABA.
- 8) 2 “ ” , 가 373(59%), 가 213(33.7%), 가 46(7.3%) . 가 (child pornography) 41% 가 (Nagasawa (1998, March 3). 인터넷을 이용한わいせつ映像營業の現 狀: 警察廳のまとめ. *INTERNET Watch*).
- 9) Internet Watch Foundation (March, 1998). Rating and filtering Internet content: A United Kingdom perspective. <http://www.internetwatch.org.uk/raring.html>
- 10) <http://w3.scan.or.jp/sonoda/page/fueian.html>
- 11) 「 」 (1998. 4. 24). <http://www.nichibenren.or.jp/sengen/kaicho/1998/1998k11.htm>
- 12) 「 」 . '98 5 25 .
- 13) Sidney & Jacqueline J. Blumenthal v. Matt Drudge & American Online Inc., Civ. Action No. 97-1968(PLF); Judge dismisses AOL from Matt Drudge Suit. *Court TV Online*. <http://www.courttv.com/legaldocs/cyberlaw/drudge2.html>; *The New York*

*Times*. April 22, 1998.

- 14) Cowell, A. (May 29, 1998). Ex-CompuServe head sentenced in Germany. *The New York Times*.
- 15) Bigfoot Partners, L.P. v. Cyber Promotions, Inc. & Sanford Wallace. 97 Civ. 7397 (March 2, 1998).
- 16) CNN Interactive(Sept. 2, 1998). 14 nations join to bust huge Internet child porn ring.  
<http://www.cnn.com/WORLD/europe/9809/02/internet.porn.02>