

## A self-portrait of the information society: An Arguments on the SNS users' Responsibilities

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### [Abstract]

Social networking services (SNS) are developing significantly with the Internet and smartphones. It's a friendly social media, but if you think deeply about it, you'll find that it has a variety of faces. It is a communication tool between users, a medium for delivering information, an infrastructure for providing applications, and a community where people with common interests gather. In recent years, business tools, shopping and payment methods are also being swallowed. The influence of the spread of SNS on the real world is also expanding, and the work being dealt with from a sociological perspective is also increasing. Also, if you pay attention to the technical aspects of SNS, it is composed of various technical elements, such as infrastructure that handles large-scale access, user interface that supports comfortable use, and big data analysis to understand people's behavior more deeply. However, I usually use it as usual. However, if you look through SNS, you can see that the situation is surprisingly profound and multifaceted. This study began by looking at the history and current status of SNS and attempted to find its status through comparison with other media. From the point of view of relationship with society, it can be a risk and legal issue when using SNS, such as crimes using bad social media or social media. It is also necessary to comment on the activities on SNS or the guidelines established by the operators. Therefore, various legal issues on SNS will be discussed. Also, as an example of using SNS, I will introduce an example of using SNS in disaster response. From a more technical point of view, you will receive commentary on SNS's network-based technology and SNS's information use, and these articles will help you understand and use SNS safely and help you further utilize or develop SNS.

▶ **Key words:** social networking service, user responsibility, information utilization, privacy protection, intellectual property rights, personal interests

## [요 약]

소셜 네트워킹 서비스(SNS)가 인터넷, 스마트폰과 함께 크게 발전하고 있다. 친근한 SNS이지만 그 실체를 깊이 생각해 보면 정말 다양한 얼굴을 갖고 있다는 것을 알게 된다. 사용자간의 커뮤니케이션 틀이기도 하고, 정보를 전달하는 매체이기도 하며, 어플리케이션을 제공하는 인프라이기도 하고, 공통의 관심을 가진 사람들이 모이는 커뮤니티이기도 하다. 최근 몇 년간은 사업도구와 쇼핑, 결제수단도 삼키려 하고 있다. SNS의 확산이 현실 사회에 미치는 영향도 확대되고 있으며 사회학의 관점에서 다루어지는 일도 늘어나고 있다. 또한 SNS의 기술적인 측면에 주목하면, 대규모 액세스를 처리하는 인프라, 쾌적한 이용을 지지하는 유저 인터페이스, 사람들의 행동을 보다 깊게 이해하기 위한 빅데이터 분석인 아무래도, 여러 가지 기술요소로 구성되어 있다. 그러나 이렇게 평소에는 아무렇지 않게 이용하고 있다. 하지만 SNS를 통해 들여다보면 그 실태는 의외로 심오하고 다면적인 것을 알 수 있다. 본 연구는 SNS의 역사와 현황을 조감하는 것으로 시작하여 다른 매체와의 비교를 통해 그 위상을 찾고자 시도하였다. 사회와의 관계 관점에서는 악플이나 SNS를 이용한 범죄 등의 SNS 활용시의 리스크, 법적 문제가 될 수 있다. SNS상의 행위나 사업자가 제정하는 가이드라인에 대해 해설도 필요하다. 따라서 SNS에 대한 다양한 법적 문제를 논의하도록 할 것이다. 또, SNS의 활용 사례로서 재해대응에 있어서의 SNS 활용 사례를 소개하겠다. 더 기술적인 관점에서, SNS의 네트워크 기반 기술과 SNS의 정보활용에 대한 해설을 받고, 이런 기사들이 SNS를 이해하고 안전하게 이용하는데 도움을 주고 SNS를 더욱 활용하거나 발전시키는 데 도움이 될 것이다.

▶ **주제어:** 소셜 네트워킹 서비스, 사용자책임, 정보활용, 사생활보호, 지적재산권, 인격적이익

## I . Introduction

In a previous study, it was defined as a social networking service (SNS), and participants were given each status and linked to each other to form a relationship and to communicate information on the network. From the birth of the SNS in the first half of the 2000s, multimedia and multi-functionality thereafter, followed by enormous and platformization in the late 2000s, and real-time, individualized, and matching in the first half of the 2010s. This article outlines the changes in SNS, its impact on society, and its position as a research subject. We will talk about five years of development and discuss our future. First, the latest statistical data on the representative SNS mentioned above are introduced, and the figures described below are based on the official announcement of each company.

SNS is easy to register users, and the same person often registers multiple times, so it cannot be said that it reflects the current status of all registered users. Therefore, the monthly active

users (MAU), which is the total number of users who have activity on the site for one month, is used as an indicator of the size of the SNS. Facebook, which became the world's largest social media in 2009, had 1.39 billion MAUs (January 2015) at the time of the previous article [1]. Since then, it has surpassed 1.5 billion people in July 2015 and 2 billion people in July 2017, and was announced as 2.24 billion in July 2019. The domestic MAU is 26 million (April 2019). The photo sharing SNS Instagram acquired by Facebook in 2012 is rapidly increasing from 300 million users to 1 billion users (June 2018) at the time of the previous article [2]. In Korea, the number of Facebook users has already surpassed the number of young users, with MAU reaching 33 million (June 2019). Twitter's MAU, which shares messages of about 140 characters, has increased slightly from 282 million (October 2014) to 330 million (April 2019) [3]. Weibo, which provides the same service in China, is larger than

Twitter, which MAU has provided with 650 million people worldwide as of May 2019 [4]. Linked In of SNS for Business was acquired by Microsoft in December 2016, and the number of registered users was announced at 660 million, but the MOU was not revealed [5]. The service for sending and receiving messages between individuals, referred to as group chat in the previous article, is now called a messaging application or messenger.

The dissemination and settlement pace of the messenger is surpassing the above SNS, WhatsApp's MAU is 1.5 billion (April 2018) [6], Snapchat is 311.17 million (July 2019) [7], and China's WeChat is 1,232.7 million [8]. Persons (August 2019) and Kakao Talk in Korea are reported to be 58.88 million (October 2019) [9].

LINE's MAU includes 82 million people in Japan, Taiwan, Thailand and Indonesia [10]. The total of four countries was announced at 164 million (October 2019). In addition, there are more than 250 million Pinterest for video sharing (September 2018) [11], and more than 500 million TikTok for video sharing (July 2018, July for some examples) [12]. It has attracted more than a billion users. Emerging SNS, which have not been addressed before or did not exist, is collecting over 100 million users. SNS competition appears to be fierce, with Google+ shutting down its services in April 2019. According to the results from January 2019 of 'World Map of Social Networks,' which is examining SNS with the largest market share in each country, it can be seen that Facebook has converged on five SNSs. In the second survey of sharing, Instagram and Twitter dominate, it is possible to detect the oligopoly of large-scale SNS.

## II. Increase individual influence through convergence with social systems

### 1. Convergence of social systems and SNS

One of the characteristics of SNS in the late 2010s will be the convergence with social systems

[13]. As the mass scale progresses, continuous use is being made. SNS is used not only for the purpose of communication between individuals, which was originally intended, but also in various aspects in everyday life. In particular, in the area of personal e-commerce, marketing using SNS has been generalized along with the effect of word-of-mouth, a characteristic of SNS, the infrastructure for online payment, and the psychological barrier of users for online payment.

In Korea, WEAR, which shares coordination videos in close connection with shopping sites in the fashion field, is a prime example [14].

In addition, in the existing SNS platform, a sales method called "live commerce", which introduces a product through live broadcasting by inducing a product from a product image to a sales site or using a video transmission function, is gaining popularity. The existence of a 'influencer' is the background of the popularity of marketing techniques centered on individuals [15]. An influencer is an individual who has a strong influence on others. It has been recognized as a number of opinion leaders by drawing support for existing communication-oriented SNS from numerous followers. Individuals who have earned a lot of fans by revealing the results of their daily actions on a photo sharing SNS are called influencers, and through such activities, a cycle leading to the purchase of certain products and the purchase of services is established, and various activities are established as business. I knew it was going to work.

Currently, there are influencers in each of personal activities such as travel, meals, housing, and pets as well as fashion, and linkages with shopping sites and product development are taking place. There is even a business called an online salon that sells the participation of small communities to share the knowledge and know-how of influencers. In addition, there are many cases where celebrities such as entertainers and experts participate in the above framework in addition to

individuals recognized as influencers in SNS activities, and it is difficult to call it an event unique to SNS. In the past, SNS has been established as a service used in a personal area, but in recent years, it has also been used in business sites [16].

For the purpose of replacing telephone, fax, and e-mail as a means of communication within and outside the organization, business SNS is provided with a follow function of acquaintances or a content display function (timeline) in time series. In addition, business chat, in which members participate in groups such as departments or communities, and share information among members, rather than linking each other, has gained wide support among software developers. In addition, SNS for information exchange with candidates for the purpose of hiring or sharing business card information from the perspective of business partners or customer management, and performance benefit system by mutual evaluation to motivate and improve organizational members. Introducing the SNS element, etc., the information service developed independently is attracting attention.

On the other hand, it is difficult to say that the official account or official page of the organization, which was the typical form of use of SNS in business, has been established. In many cases, corporate SNS representatives have communicated in an intimate manner with the general user, leading to the improvement of the image, but they have not escaped the scope of an accidental accident. In most cases, it is possible to reduce the number of display times or remove the function itself because it can provoke the dislike or indifference of the general user by hanging only on their propaganda, and further lower the utilization rate of the SNS itself. As a result, the means for providing SNS information of the company was integrated into the advertising model described below.

Depending on the type of industry or industry, there are examples in which some of the functions that have been provided on the web have been

implemented in SNS or messenger to acquire new contact points with customers. Yamato Transportation provides useful services for improving convenience and reviewing delivery plans by providing a service that can perform notifications of delivery conditions and requests for changes in the date and time of delivery [17]. As such, a combination of the interactive interface of the messenger, the automatic response based on natural language processing, and the conversation technology will profoundly approach the user's daily life.

## 2. Increasing personal influence by SNS

Thanks to the additional functions of SNS, the variety of actions that users can take is definitely increasing. The online payment infrastructure mentioned above is fiercely competing not only in the financial sector, but also in Internet-related companies and retail businesses. One of the leading players is messenger-based forces such as WeChat Pay in China and LINE Pay in Japan.

It is known that the affinity of SNS in payment is that it is easy for several people to make small payments, such as calculating by sharing with friends. Whether or not remittance is between individuals is not necessarily an advantage because each country's financial system affects it, but it is expected to spread as a cross-section of services using the interactive interface described above.

The matching of people who are not concerned with delay or blood relationship, which was the initial characteristic of SNS, gradually changed to the maintenance function of human relations in the real world, but recently, it shows its strength again in a more personal area. In the field called online dating, a service for matching dating and marriage partners is provided, and it is widely used, and there is also a service for filtering through SNS acquaintances so as not to present candidates in existing relationships.

As the number of actionable actions on the SNS increases, the amount of information provided by the users to the SNS also increases, and the SNS

aims to help communicate with others by collecting and sharing personal information. Therefore, all data are accumulated, including demographic attributes such as date of birth, gender, place of residence, career, acquaintance relations, content of one's own writing, and responses to others' writings. If such data can be used to restrict transmission to only those who need specific information, it is possible to realize a cost effective advertising model. It is confirmed that a large-scale SNS has an early advertisement transmission system, which has a higher effect than keyword-linked advertisements of search engines. Particularly, in recent Internet advertisements, a fully automated auction type platform has been introduced, and the more user information required to determine the bid amount, the higher the accuracy.

In order to prolong the stay time on the SNS and increase both the chances of getting data and the opportunity to present advertisements, there will be some aspects of continuous enhancement [18]. The user's evaluation is also possible by the mass collected personal information. In the previous article, the service that analyzes information on SNS and ranks users was mentioned, but now, the credit score based on the history of activities in SNS is being focused on China, and its use is actively being used [19]. In China, financial institutions that set interest rates according to credit scores in Korea and scores are given according to activity history on large portal sites, and government social credit systems are being promoted. It is known that the success or failure of each company is not directly related to the credit rating, but the success or failure is remarkable.

As SNS is combined with the financial system, user management is becoming more stringent. There are discussions on the fact that information necessary for social life is identified on the SNS, such as partnership with a mobile phone, registration of a credit card or bank account, and identification of passports, etc. A security system should be established.

### 3. Legal issues surrounding SNS

While I was planning a study to unravel the image of a person on social media, I came up with the title of "SNS and the Legal System." But where to start, this problem was really difficult. SNS was only part of the user's expressive behavior, and discussing the legal system surrounding it would soon debate the legal system for expressive behavior as a whole, and I thought it was beyond my competence. However, freedom of expression (Article 21 of the Constitution) is a fundamental right of the highest value to sustain democracy among modern constitutional constitutions, and explaining it entirely goes far beyond my ability as a non-confucian. However, the reality is strict, and it is difficult for a business operator to fall due to the stock price of its employees due to the behavior of the SNS. In addition, students of this era decided to try to discuss the idea that they cannot live without being separated from SNS. Therefore, in this paper, in order to respond to the reader's practical needs, ① we decided to develop a realistic approach that summarizes the user's behavior on SNS, which may be a legal issue, and ② suggests implications for guidelines established by the operator on SNS do.

In addition, the definition of SNS does not exist by law. The Ministry of Internal Affairs in Japan is a member-only service of a web site that allows registered users to interact with each other as an abbreviation of Social Networking Service in the general-purpose commentary. It is a place where friends and people who share hobbies can gather and communicate with local residents. In addition, it is closely related to creating a closed world to some extent, and enables communication between users. In recent years, it has been said that the use of the company or organization as publicity is also increasing. First, I would like to start the discussion by following this definition [20].

When it comes to 'SNS', it seems that the general blog service is often not included, and there are examples of 'Social Media' including SNS, blog service, and video sharing service [21]. Above all,

in this example, 'social media' is described as 'features that can visually grasp the relationship between each other because various devices are prepared to facilitate the connection between users,' and 'the ability to exchange between registered users,' the difference from the definition of 'membership service of web sites that exist' is relative. More recently, in the regulatory context for 'digital platforms' to 'digital platforms,' there are a number of services called 'digital platforms (online platforms) that provide places to third parties using ICT or data.' After reporting, among the examples of services such as 'online shopping mall, internet auction, online flea market, application market, search service, content (video, video, music, e-book, etc.) delivery service, reservation service, sharing service, electronic payment service, etc.', for example (hereinafter referred to as 'SNS'), video sharing service, electronic payment service, and the like [22]. In any case, there is no system to say that there is any legal effect by applying to "SNS." As a specific example of SNS, the 2018 version of the ICT white paper is understood by arranging other SNS (mixi, etc.) other than Twitter, Facebook, and Instagram [23]. All three parties respond lightly to the operation of foreign corporations, but since the operating business is a foreign corporation, it is thought that there are problems such as the lack of civil jurisdiction that does not have administrative disposition, etc. The problem of (equal foot) is pointed out.

### III. Issues of behavioral responsibility of SNS user

Regarding the user's behavior that can be a legal issue on these SNS, ① infringe on the intellectual property rights of others, ② infringe on the personal rights or personal interests of others, ③ infringe on personal legal interests other than ①,

②, ④ infringement of social legal interests, etc. Furthermore, it can be classified into other actions than ① to ③. Hereinafter, the contents will be described in detail.

#### 1. Infringing the intellectual property rights of others

##### 1.1 Copyright infringement

In terms of social media, what users use is largely categorized into ① textual expression and ② video and video expression. There is no copyright law problem if it is related to one's own creation, whether it is expressed by text or by video, the subject of this study is that the problem of infringement of copyright and copyright is a problem because most of the expression by video and video on SNS is done in the form of copyright and copyright.

Specifically, if a copyrighted image or video is uploaded (as is) to another person without permission of the copyright holder, the right to reproduce (Copyright Act Art. 21), the automatic public transmission right (Art. 23(1)), and the right to transmit (Synchro), this is an infringement of the same clause, and is subject to a request for prohibition from the copyright holder (Art. 112(1)), a claim for damages (Art. 709 of the Civil Code), and a criminal penalty (Art. 119 of the Copyright Act), it is subject to paragraph (1), and there is also the application of condemnation. In the case of uploading by changing the video, there may be the infringement of the right to prosperity (Art. 27) and the right to use secondary works (Art. 28) depending on the degree of change.

There are various discussions regarding the regulation of so-called rich sites as to whether the infringement of copyright is caused by the act of attaching a link alone [24]. In short, uploading other people's works on SNS every day is basically illegal and criminal punishment exists. Some operators may write and publish guidelines for their work on SNS. For example, Nintendo has published 'Guidelines on the Use of Nintendo's

Works in Network Services' (November 29, 2018), and the copyright of Nintendo's works in SNS, etc., is copyrighted in advance to a certain extent. The method of declaring not alleging infringement is employed [25]. In other cases, the copyright holder does not file a claim or criminal prosecution for mass copyright infringement on SNS, in addition to the infringement of copyright (copyright property), there may also be problems with the right to display the name (Art. 19) and the right to maintain identity (Art. 20).

Anyway, uploading images or videos downloaded from the internet on SNS, or pasting 'copy and paste' of someone else's sentences is basically not only illegal but also criminal, and it is the right holders that they are neglected. It is necessary to understand that it is a premise that is not acting.

The outline of the download is also an infringement of rights, even for the purpose of private use for copying music or video that is illegal due to illegal internet transmission, even if it is illegal (art. 30, para. 1. no.3). Even for the purpose of private use, in the case of paid works (such as movie works sold on commercial DVDs), it infringes the copyright or neighboring rights, if you infringe copyright or copyright right while knowing that digital recording or recording is performed by receiving an automatic public transmission, criminal punishment will be imposed (Art. 119, Para. 3 of the same Act, but condemnation). If music and videos on SNS are easily downloaded, theoretically, there may be a claim or a criminal case. However, civil claims or criminal cases of download acts are not confirmed, and at present, they remain in the deterrent. In addition, there is a discussion to expand the illegality and punishment of downloads to all works in relation to the so-called "pirate version" issue. At one time, legislation was canceled due to extremely strong opposition from all walks of life, but the legislative movement is moving toward the regular parliament of 2020 [26].

## **1.2 Infringement of intellectual property rights other than copyright**

In addition to copyright, industrial property rights (industrial property rights), such as patent rights, utility model rights, trademark rights, and design rights, exist in intellectual property rights. Basically, there is no case in which a submission by a lawsuit is pursued by an infringement act. With regard to trademark rights, there are cases of misunderstanding as if it is the right to limit the opinions of others about the trademark itself, but it is applicable to 'trademark use' (using the trademark in a form that exerts the identification function of other product services). If you do not, you are not allowed to exercise your rights (Art. 26(1)6 of the Trademark Act) [27]. Basically, it is difficult to think about a problem caused by submission by the general user.

## **1.3 Violation of anti-competitive law**

The Anti-Unfair Competition Act (Act No.47 of 1993) is not a law that protects intellectual property rights itself, but it is intended to maintain a fair competition order among business operators by prohibiting unfair competition, and is recognized as a kind of intellectual property law [28]. As with industrial property rights, there are not many cases where posts by ordinary users are immediately subject to unfair competition. The act of doing business (sales slander, anti-competitive anti-competition law Art. 2(1)21) can be a problem [29]. In addition, criminal penalties exist in some of the unfair competition practices (Art. 21 of the Unfair Competition Prevention Act). It does not exist in business slander.

## **2. Infringement of another person's personal rights or personal interests**

### **2.1 Defamation, violation of honor**

Among the acts of infringing on another person's personal rights or personal interests, the easiest to know is defamation or infringement of honor [30]. With respect to defamation, there is a crime of

defamation under the Penal Code (Art. 230 of the Penal Act). Whether it is a crime of defamation or a defamation in civil law, the protection law interest is considered to be external honor (deterioration of social evaluation). Any expression that can degrade social assessment is true, and social assessment does not need to be degraded. The constitutional requirement of defamation is “to harm the defamation of a person by stating the facts” (Art. 230 of the Criminal Act). On the other hand, insult crimes are “insulting people without having to tell them the truth” because they are convicted of sin (Art. 231 of the same Act).

Considering the basic constitutional requirements of defamation, the requirements are ① possibility of spread, ② present of facts, ③ whether the act equals to the deterioration of social evaluation. The requirements for civil defamation are not required intentionally (even negligent), and are almost the same. In case of insult, ② is not the right time. What is easy to be misunderstood is that if it is true, it is not defamatory. It is ‘real timely.’ Since it is true, no expression is allowed. In this regard, Article 230-2 of the Criminal Act concerns ‘public interest.’ In fact, if it is admitted to be related and the purpose was to promote the public interest only, it is said that if there is a proof that it is true by judging the truth of the fact, the crime is not established (legality is removed), regarding the defamation of civil ideology, it is said that if ① public understanding, ② public interest, and ③ truthfulness are recognized, a defense will be established and illegality will be engraved.

Also, regarding the defamation in the form of comments, that is, in the case of defamation by the expression of opinion or comment based on a certain fact, the above comment or comment is premised on the case where the act is related to the fact of public interest and the purpose was only to promote the public interest. If there is proof of truth about the matter and the fact that it is true, it is acknowledged that the above act lacks illegality (the law of fair commentary) unless it deviates from

opinions or comments such as a personal attack [31]. Again, the illegality can be broken. Anyway, on social media, it is necessary to have evidence to admit that it is true when expressing expressions that may deteriorate the social evaluation of others. The public interest is not recognized as a result. When presenting facts and commenting opinions, illegality may be recognized if a person is attacked or is out of scope by commenting or commenting.

## 2.2 Privacy infringement

There are no criminal penalties for infringement of privacy as a personal right or personal interest [32], but it is recognized that it is a civil and illegal act [33].

In the past, as seen in the ‘Post Feast,’ ① it is admitted that if you stand in the position of the relevant person based on the susceptibility of the general public, it will be recognized that you do not want to disclose the matters that may be accepted, such as private facts or private facts. The damages were acknowledged, in other words, it is a reading case that public claims based on the public’s senses are accepted as a requirement for psychological burden and anxiety, and ③ not yet known to the public [34]. Regarding ‘private facts or things that might be accepted as privacy facts’, it is now tended to be regarded as an object of protection even for relatively simple personal information.

Regarding the Waseda University Ezawamin case, this personal information was asked by the student to provide information to Waseda University in order to identify in advance who would like to attend an important foreign state lecture, but the academic number, name, address, and telephone number of Waseda University. This simple information for personal identification, etc., does not necessarily have a high need to be hidden in one thing. In addition, the same applies to students who applied for participation in the lecture. However, it is natural to think that I do not want to



disclose this personal information to others who I do not want, and the expectations for it must be protected. Since the expectation for it must be protected, personal information is subject to legal protection as information related to the privacy of the complainants [35]. In the case of the Benesse, citing the case, it is said that the personal information referred to as the member registration information of Benesse is personal information related to the privacy of the complainant and is subject to legal protection. The case admits that the petitioner may be said to have been infringed on that privacy, and that it is subject to protection [36]. As described above, in the case of posting on the SNS about the facts of other people's privacy, civil illegality may be recognized for content that belongs to relatively simple personal information that the person wishes to keep private and cannot be said to be publicly disclosed. Also, if it is published on the Internet once, it is natural that privacy will be lost, but it is necessary to be careful that it is possible to have illegality even if an article or post that invades privacy on SNS is reprinted [37].

### 2.3 Infringement of publicity rights

As for the publicity right, in the Supreme Court ruling of the Pink Lady case, the person's name, portrait, etc. (hereinafter, also referred to as 'portrait,' etc.) is a symbol of the personality of the individual, so the individual is derived from the personality right and viewed or used for business. It is interpreted as having the right not to be. In addition, portraits, etc. may have customer attraction to promote the sale of products, etc. The right to exclusively use such customer attraction (hereinafter referred to as 'publicity right') is based on its own commercial value, such as portraits. It can be said to constitute a content of the rights derived from the rights of personality.

On the other hand, those who have customer attraction in portraits, etc., should be used in current reports, editorials, creative works, etc., to draw attention from society, and in some cases, it

may be necessary to accept the use as a legitimate expression. Then, the unauthorized use of portraits, etc. ① is a product that independently appreciates itself, such as portraits. It is used as a product, ② for the purpose of promoting differentiation of products, etc. It is a legal problem to use lights as advertisements for products. In other words, when it can be said that it is intended to use the customer's attraction power possessed by a portrait, etc., it is significant to interpret that it is against the illegal act under the law of illegal activity [38]. In this way, the court said that it would be protected as part of the "right to human rights," and presented protection requirements.

The legal basis uses personality rights or literary characters with high personal interests and affinity, but in terms of the content, requirements such as attaching a portrait or the like to a product, or using it as an advertisement for a product, etc. are imposed, resulting in an idea similar to trademark use. If so, even if a portrait (such as an idol image) having commercial value is posted on the SNS, it may be considered that the copyright of the photographer is infringed. Therefore, it can be said that it is basically difficult to think that individual contributions constitute infringement of the right to publicity.

### 2.4 Portrait infringement

What about portraits that do not have customer attraction? Although admitted the Supreme Court is in the judgment of a criminal case, it says, "as one of the personal privacy freedoms, anyone has the freedom not to be photographed of the appearance or appearance (hereinafter referred to as 'the appearance') without permission [39]. In addition, 'People have personal interests that should be protected by law against being taken carelessly' [40]. However, there may be cases where the shooting of a person's appearance, etc., should be allowed as a legitimate reporting act, and whether or not it is against the law of the tort to shoot a person's appearance, etc., without the consent of the person. Considering the contents of the

activities, location of shooting, purpose of shooting, mode of shooting, necessity of shooting, etc., it would be illegal to civilize if the infringement of profits of the above-mentioned personal use of the subject exceeded the limit of the number of persons in social life. I admitted I could [41].

In the Supreme Court ruling, only “is it illegal to shoot is illegal?” is made, ‘to determine whether the use of another person’s portrait is against the law, comprehensively considering the purpose of use, the degree of profit infringement, or the mode of infringement, it is necessary to judge whether the infringement exceeds the limit of the number of persons in social life [42]. In the case of an SNS post, if an unauthorized person’s portrait is uploaded, the infringement of the right to portrait may be constituted according to the aspect.

### 2.5 Identity infringement

Neither defamation, privacy infringement nor infringement of portrait rights, but what about someone pretending to be on social media? After acting, you can be defamatory if you use words that degrade your social assessment. If the person’s portrait is stolen, it may constitute an infringement of the right of portrait or copyright infringement, but neither is recognized. It can be argued that such deception is an infringement of the ‘identity right,’ and maintaining self-identity as an individual is an act of premise for personal survival, and promoting self-actualization in social life is also an important factor in personal survival is argued. ‘Maintaining personal identity in other people’s relationships should be said to be essential to personal survival.’ Therefore, it is interpreted that the profit related to the identity of another person can also be a personal interest protected by the tort law.

Above all, the content and appearance of the profits about the identity of another person are not necessarily clear, and unlike the rights and interests of not using the name or portrait, it cannot be said that it is strong enough as a profit under the law of illegality. Therefore, it should not

be interpreted that an illegal act is established immediately even if the identity of the personality seen by others is forged. By judging whether the intention, motivation, camouflage method, sun, or pretense of disadvantaged by the deceiver’s intention or absence, the degree, etc., determine whether or not the infringement of profits related to the identity of the person exceeds the limit of the number of persons in social life. You must decide whether the action is illegal. There are also precedents that admit that ‘abstractly, it can be a civil offense.’

### 3. Intellectual property rights and personal rights and personal interests of others

Acts that violate other personal legal interests, (a) Child porn, child prostitution, child pornography-related acts and regulations and punishment and the protection of children (Act No.52 of 1999, Child Pornography Act) does not turn 18, a child’s ‘related to sexual intercourse or sexual intercourse behavior’ (Art. 2, Para. 3, Para. 1 of the same Act) or a child’s sexual condition (particularly, sexual organs, etc.), the periphery, buttocks, or thorax.) is exposed or highlighted. In addition, in the case of photographs that excite or provoke sexual desire (same No.3), criminal punishment for possession and provision of this child pornography is imposed (Article 7 of the Act), commercially available photobooks may also be sold, and in this case, caution should be exercised as purchasing photobooks and uploading images can constitute violations of the Child Pornography Act [43], (b) Criminal punishment is also imposed on the provision, performance, or display of the ‘purely private sexual record’ under the Revenge Porn Act (Art. 3 of the same Act), so it is natural that it should not be posted on SNS, but it is a so-called organizational site. Reposting or linking what is being posted to the back may also be a problem.

### 4. Activities such as infringement of social interests

In addition, it cannot be returned to personal interests. ① Distributing pornography (Article 175

of the Penal Code) is, of course, illegal, and ② Act on the Promotion of Countermeasures for Resolving Unfair Discriminatory Movements against People from Outside State for Hate Speech Law No.68, The Hate Speech Relief Act) was enacted, and although it did not stipulate the criminality of civil and criminal law immediately, there was also a precedent called civil criminality [44]. ③ Fake news is difficult to deal with, but discussions are being conducted at government research groups [45]. There are a wide variety of user behaviors that can be a legal issue in SNS for the three companies' SNS. How will they respond?

The government stipulates "the precautions for the use of social media by private officials in social media" and "there is a strong thing that it can be sent easily and immediately, while many users send it without deliberation, and once it is sent," the Internet and other information for the characteristics of social media, such as the possibility of spreading rapidly through a communication network and the possibility of spreading semi-permanently by being stored by a third party even if the corresponding transmission or account is deleted, do not send it during office hours it regulates things. Above all, the prohibition of contributions during working hours is due to the duty of the government officials to commit their duties, so it is necessary to judge each business operator to follow as a private business. Anyway, it will be necessary to set social media guidelines such as referring to these precautions, and to educate and develop various illegal activities.

## 5. SNS Ethics

The negative social impact of SNS was highlighted by the 2016 US presidential election. Information favorable to the camp called fake news was fabricated in large quantities and distributed through SNS. It has been pointed out that advertising technology has improved the ability of SNS to recognize personal preferences, and can distinguish various fake news according to the

result, leading to a voting result that overturns predictions. On the other hand, it is revealed that only the service provider of the service can use personal information on the SNS in the advertising model, and despite the fact that access from a third-party news sender was not possible, such discussion took place [46].

A personality quiz written by a British psychologist obtained Facebook's personal information after obtaining the user's consent, since the acquisition target includes information of not only the user but also acquaintances, the size has increased to 87 million. The information seems to have been handed over to an election consulting firm and used to convey the fake news. Here, the scope of the responsibility of the SNS operator has been determined that the user can obtain more information than necessary by clicking the consent button, and that provision of data to third parties cannot be prevented only by the agreement. In the former, certain responses such as stricter consent process and limited information are provided, but the latter continues to include the legal system. In addition, despite the benefits given to the influencer, the so-called stealth marketing that introduces products and services on SNS is being carried out without clarifying the purpose, or tourists visit the shooting location due to the influence of landscape photos posted on SNS [47]. One of the factors influencing the society in which SNS acts as a cause, such as the case of confusion in the life of local residents, is the excessive concentration of people's attention.

The number of acquaintances or the number of responses to information sent is specified. In SNS, the larger the number, the more likely it is to self-target to make you feel better and get more reaction. On this issue, each SNS business is attempting to reduce its concentration. In Instagram, the specifications have been changed so that the number of responses to the posted photos is not exposed to third parties. TicTalk gives many users a chance to browse by giving priority to

videos that are already popular, as well as videos that have just been posted. These measures also revitalize mid- to long-term communities by lowering interest in existing influencers and opening doors to new participants.

SNS and social system are converging, and many problems are surfaced, but it is expected to improve reliability as an infrastructure and contribute to society as a whole by resolving it steadily.

#### IV. Conclusion

As described so far, in the past 5 years, SNS has made significant progress both quantitatively in terms of number of users and qualitatively in terms of usage. As a result, a significant portion of the web is surrounded by a small number of SNS operators. Convenience is improved inside individual SNS, but it is difficult to use information freely by third parties. In particular, because access by search engines is limited, it is difficult to grasp the entire web in a poor way due to the lack of search targets, but it is very difficult for ordinary users to search for unknown information. In addition, Web API (Application Programming Interface), which can reuse SNS information from external sites, has also been over-populated, and has been reduced or abolished in many sites. The censorship problem with the progress of platformization is also serious.

While large-scale identification and deletion of harmful content such as fake news, the use of the same technology has made it virtually possible to monitor and interfere with specific subjects. In the early 2010s, SNS has been used as a means of communication for social movements, but it is currently questioning how each SNS operator will respond to the nation's demand for censorship, and it cannot be value-neutralized as a platform.

In addition, conflicts between SNS and countries are expected to occur in various areas such as law

and the economy in the future, such as the global regulations of financial authorities in each country are discussed immediately after the framework of SNS-based crypto assets is proposed [48]. In this regard, in terms of technology, open source software that anyone can freely install and operate a messenger service or a small SNS, which enhances the confidentiality of the communication path or the data held by the provider, and even the provider himself cannot access the contents of the data at all. Through P2P communication, a messenger application capable of communication not through a specific server has been developed, and it has become an important tool in the current social movement and strong community.

Looking at the history of information technology, the intensive architecture and the distributed architecture form complementary relationships with each other, and the trend is changing alternately. Now it is an era of centralization, which can be called overkill, but it is desirable for users to choose an SNS based on an appropriate architecture according to their use.

The characteristics of social media are as follows. First, anyone can easily hear the "sending" ease of sending information, and since the information is digital information on the Internet, ② "replication" is easy and ③ "propagation power" is very strong. Also, the ④ "speed" is very fast. For example, it is possible to send information to ⑤ "anonymous" like Twitter. You need to be careful as to how far you really can remain anonymous. In addition, once posted on the Internet, it can be pointed out that even if an attempt is made to delete it after that, the information remains ⑥ by the fishery service or the like, and is difficult to delete. And ⑦ through the knowledge or speculation set of a specific number of Internet viewers by the collective location, the social media's name can be 'out of control' due to a situation in which the name, face, and workplace of the anonymous caller are specified or so-called 'salt.' It is pointed out as a characteristic.

As mentioned above, we have outlined the risk cases of social media and countermeasures and precautions, but the most important thing to emphasize is to be too afraid of these risks and reluctant to use social media or to limit the use of faculty and students. It is my hope that this paper will help to identify and respond to specific risks, and lead to active and advanced use of social media based on this.

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