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Key Issues with Korea's Amended Network Act and CCIA Recommendations for Improvements

Introduction

In December 2025, South Korea enacted revisions¹ to its **Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. (Network Act)**², to introduce stringent new content control rules, aimed at combating “fake news,” defamatory online content, and hate speech. Although Korean officials characterize the amendments as targeting posters of information rather than platforms and describe key provisions affecting platforms as being voluntary, the inclusion of mandatory transparency reporting, combined with broad, poorly defined terms suggest significant liability for U.S. suppliers active in Korea—creating penalties for failure to act on removing content whose illegality, in many cases, they have no reasonable means of adjudicating. An inevitable consequence of this Act, if not further improved, is a chilling of legitimate speech through precautionary take-downs.

The amendments will take effect in July 2026 and will require supplementary regulation via a Presidential Decree. Short of amending this law, this implementing regulation is the best opportunity to mitigate flaws in the legislation.

Background

On September 18, 2025, the ruling Democratic Party’s Special Committee of Media Reform announced³ that it would pursue a bill inspired by the EU’s Digital Services Act to combat “misinformation,” citing YouTube as a specific target in the dissemination of “fake news.”

Key features of the law include:

- **Punitive Damages:** Courts can award up to five times the proven losses for the dissemination of false information.
- **Targeted Scope:** The law focuses on large-scale interactive service providers, specifically citing platforms like YouTube.
- **Vague Categories:** Platforms must now monitor a new category of “false or manipulated information” and content deemed to “incite discrimination.”

In addition to enhancing penalties on offending users of networks, the law targets large online service suppliers that offer consumer-facing interactive services, including numerous U.S.-based firms, by compelling them to take action with respect to both content already deemed illegal under Korean law and also a new and vaguely defined category of “false or manipulated information.” These measures require firms to institute formal procedures to

¹<https://www.law.go.kr/LSW/lsInfoP.do?lsId=000030&ancYnChk=0#0000>

²https://elaw.klri.re.kr/eng_service/lawView.do?hseq=38422&lang=ENG

³<https://www.chosun.com/english/national-en/2025/09/19/ZBS4LFED5RCHX07WN4YV203KCY/#:~:text=The%20committee%20stated%20in%20a,be%20determined%20through%20court%20proceedings.%E2%80%9D>

respond to complaints, take down offending content, generate transparency reports, and submit to governmental investigations. The initiative explicitly draws inspiration from the EU Digital Services Act (DSA),⁴ and, as enacted, mirrors the DSA's flaws while introducing unique punitive measures that create substantial trade obstacles and threaten core principles of freedom of expression.⁵

Recommendations for Forthcoming Presidential Decree

CCIA urges the following recommendations be adopted during the drafting of the Presidential Decree:

- **Prevent Discriminatory “Gerrymandering”:** Establish objective, transparent, and predictable service thresholds for “large-scale” status. This ensures that regulations are tied to genuine market impact rather than being tailored to disproportionately target U.S. firms while exempting domestic competitors.
- **Protect Freedom of Expression and “Knowledge-Based” Liability:** Shift the liability standard from strict platform accountability to a “knowledge” standard, where platforms are only liable after failing to act on legally substantiated notices. This prevents “precautionary censorship” and protects lawful discourse—including satire, parody, and standard creative edits—from being suppressed by overly broad definitions of “manipulated information.”
- **Maintain Intermediary Safe Harbors:** Explicitly distinguish between platforms and traditional publishers. Intermediaries should not be subject to publisher-level liability or punitive damages. Enforcement should focus on systemic compliance (robust policies and frameworks) rather than government auditing of individual content moderation decisions.
- **Curtail Government Overreach and Surveillance:** Narrow the scope of data requests to information strictly necessary for legal mediation. Furthermore, the KMCC’s oversight authority must be clearly defined to prevent the government from dictating specific moderation outcomes or using financial threats to compel state-led censorship of content not yet adjudicated as illegal by a court.
- **Safeguard Operational Independence and Trade Secrets:** Protect commercially sensitive data and proprietary metrics by limiting public reporting to high-level statistics. Platforms must retain autonomous authority to enforce their own Community Guidelines—even against registered media—and should not be mandated to enter into government-prescribed fact-checking partnerships.

⁴<https://www.yna.co.kr/view/AKR20250918125400001>

⁵For more on the DSA's flaws, see here

https://ccianet.org/wp-content/uploads/2024/10/CCIA_Comments-for-the-2025-USTR-National-Trade-Estimate-Report.pdf#page=104.