

## Northeast Asia Regional Program



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An expert in entertainment law, Kyong-Sok Chong is a co-founder and director of the Korea Entertainment Law Society, author of *Cases on Entertainment Business* and numerous other books and articles, and an auditor of the Game Culture Foundation. As a partner with HongYun Law Group, he represents game developers, entertainment management companies, and movie and TV production firms. Concerned with protecting minors from violent and sexual content emanating from the Korean gaming industry, and the growing phenomenon of online game addiction among Korean teenagers, Mr. Chong looked at U.S. ratings and regulation mechanisms of entertainment products, explored the question of freedom of digital media expression versus content regulation, and examined programs aimed at preventing and curing video game addiction. He shaped his fellowship by asking three questions:

**Is freedom of expression in the U.S. an absolute right which cannot be restricted?** During Mr. Chong's fellowship he concluded the First Amendment is valued at the highest level in the U.S. Even parents concerned about the harmful effects of violent video games on children acknowledge these games have a First Amendment right to exist, and it is a parental responsibility to protect minors from violent video games. On the other hand, the Korean government considers it has an obligation to shield children from harmful media. Recently the Midnight Shutdown Law went into effect in Korea, prohibiting minors aged 16 and under from playing online games between the hours of midnight and 6:00am, a controversial act which sparked a lawsuit questioning its constitutionality. A number of people Mr. Chong met on fellowship agreed with the act. Mr. Chong's concern is how to balance freedom of expression in Korea with protection of juveniles.

**Why do states in the U.S. try to regulate video game content even though the laws were struck down by the courts?** During his fellowship Mr. Chong met with California State Senator Leland Yee, who took time off his campaign for mayor of San Francisco to talk with Mr. Chong about his role authoring the California Violent Video Game Act which was ultimately struck down by the Supreme Court. Mr. Chong also met a number of people who opposed the act, such as Bo Anderson, President of the Entertainment Merchants Association. Eleven states have attempted to regulate violent video games. But the First Amendment applies to video games as well and efforts to regulate computer game content will ultimately be fruitless, Mr. Chong believes.

**How can we heal patients who are addicted to computer games?** In Korea the Game Culture Foundation supported establishment of three healing centers for computer game addiction, while very few similar centers exist in the U.S. People whom Mr. Chong met on fellowship who have addressed this issue included Dr. Kimberly Young and Dr. David Greenfield. However, Mr. Chong discovered that the approach to game addiction in the U.S. was less scientific than he expected.

When he returns to Korea, Mr. Chong plans to participate in the lawsuit challenging the Midnight Shutdown Act's constitutionality; establish a Korea Computer Game Law Association; write a book about computer game law; and cooperate with the Entertainment Software Association to improve the Korean game industry regulatory system.

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