

## HOW TO PROTECT COPYRIGHTS ACCORDING TO INDONESIAN LAW

Unlike trademarks and patents that need to be registered in order to get a protection, copyrights emerge based on a declarative principle. Article 1 number 1 of Copyrights Law (Law No. 28 of 2014 concerning Copyrights) states:

*“Copyright is an exclusive right which automatically emerges based on a declarative principle after a creation is realized in a tangible form without reducing any limitation set out in the prevailing laws and regulations.”*

Therefore, if an artist wants to protect his/her latest painting for example, nothing particular needs to be done. The copyright of the painting will automatically emerge anyway. However, it is needed to be declared that the painting is his/her creation. This is usually done by writing initials or writing the artist’s name as the creator of the painting.

In addition, by virtue of Article 2(6) of the Berne Convention (which Indonesia is a party to the convention) which states:

*“The works mentioned in this Article shall enjoy protection in all countries of the Union. This protection shall operate for the benefit of the author and his successors in title.”*

Thus, a copyright in Indonesia shall be protected as well in countries which are also parties to the convention.

Although the Indonesian Copyrights Law stipulates regarding the ‘copyright recordance procedure’, it is not an obligatory procedure that has to be undergone in order to obtain copyright protection, as the Article 64(2) of Copyrights Law states:

*“Recordance of creations or any products of related rights as mentioned in Paragraph (1) is not a requirement to gain copyrights and related rights.”*

Nevertheless, recordance of copyright may strongly proof who owns the copyright of a certain creation if dispute arises regarding it.

In conclusion, nothing particular is required to be done in order for a creator to obtain copyright over his/her creation, while the copyright recordance procedure, though it is not an obligatory procedure, is there in order to make the verification process of who owns the copyright of a certain creation easier.