LAW OF THE REPUBLIC OF INDONESIA
NUMBER 28 OF 2014
ON
COPYRIGHTS

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering :

a. that copyright is an intellectual property in the fields of scientific, artistic and literary works that has a strategic role in supporting the development of the nation and promoting general welfare as mandated by the 1945 Constitution of the Republic of Indonesia;

b. that the development of scientific, technological, artistic, and literary works has been so rapid that it is necessary to have stronger protection and guarantee legal certainty of Authors, Copyright holders, and Related Rights owners;

c. that Indonesia has become a member of various copyright and related right treaties requiring further implementation in the framework of national legal system to enable national authors and creators to compete internationally;

d. that Law Number 19 of 2002 on Copyrights is unduly compatible with the legal developments and public needs requiring its change with a new Law;

e. that based on the considerations as referred to in point a, point b, point c, and point d, it is necessary to make a Law on Copyrights.

Observing : Article 5 section (1), Article 20, Article 28 C section (1), and Article 33 of the 1945 Constitution of the Republic of Indonesia;

With the Joint Approval of
THE HOUSE OF REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact : LAW ON COPYRIGHTS.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Law:

1. Copyright means an exclusive right of the author vested automatically on the basis of declaratory principle after Works are embodied in a tangible form without reducing by virtue of restrictions in accordance with the provisions of laws and regulations.
2. Author means a person or several persons who individually or jointly produce works that are unique and personal.
3. Works mean any scientific, artistic, and literary works resulted from inspiration, ability, thought, imagination, dexterity, skill or expertise expressed in a tangible form.
4. Copyright Holder means an Author as the Copyright owner, the party acquiring a lawful right from the Author, or other parties who acquire subsequent rights from the party such acquiring lawful rights.
5. Related Right means any right related to Copyrights that constitute the exclusive right of the performer, producer of phonogram or Broadcasting organization.

6. Performer(s) means one or several persons who individually or jointly display and perform works.
7. Producer of Phonogram means a person or legal entity that is the first to record and is responsible for performing voice recording or sound recording, both performance recording and voice or other sound recording.
8. Broadcasting Organization means any organizer of Broadcasting, including public Broadcasting organization, private Broadcasting organization, community Broadcasting organization and subscription-based Broadcasting organization who in performing the duties, functions and responsibilities complies with the provisions of laws and regulations.
9. Computer Program means a set of instructions that are expressed in the form of languages, codes, schemes, or in any form that is intended for a computer to perform specific functions or to achieve certain outcomes.
10. Portrait means a photographic work with a human object.
11. Publication means any reading, broadcasting, exhibition of works using any means, either electronically or non-electronically, or performing in any way so that works can be read, heard, or seen by others.
12. Reproduction means any process, act, or method of Reproducing one or more copies of Works and/or phonogram by any mean and in any form, permanently or temporarily.
13. Fixation means the embodiment of sounds, images or both of them, which may be seen, heard, reproduced or communicated through any device.
14. Phonogram means a Fixation of sound of a performance or of other sounds, or of a representation of sound, exclusive of the form of Fixation incorporated in a cinematography or other audiovisual Works.
15. Broadcasting means a transmission of a Work or a Related Rights product by wireless means to be received by anyone in any location away from originated transmission.

16. Communication to the public, hereinafter referred to as Communication, means the transmission of Works, performances, or Phonograms, by wire or other media other than Broadcasting to be received by the public, including producing Works, performances, or Phonograms available for public access from a place and at a time individually chosen by them.
17. Distribution means the sale, circulation, and/or dissemination of Works and/or Related Rights products.
18. Proxy means an intellectual property consultant, or a person authorized by an Author, Copyright Holder or Related Rights owner.
19. Application means an application for the recordation of Works by the applicant to the Minister.
20. License means a written permission granted by the Copyright Holder or Related Rights Owner to other parties to exercise the economic rights over their Works or Related Rights product under certain conditions.
21. Royalty means remuneration for the utilization of Economic Rights of Works or Related Rights product received by the Author or Related Rights owner.
22. Collective Management Organization means an institution of a non-profit legal entity that is authorized by the Author, the Copyright Holder, and/or Related Rights owner to manage their economic rights in the form of collecting and distributing royalties.
23. Piracy means any unauthorized Reproduction of Works and/or Related Rights products and distribution of goods resulting from extensively to gain economic benefits.
24. Commercial Use means any use of Works and/or Related Rights products with the purpose of gaining economic benefits from various sources or by payment.
25. Damage means an amount of money imposed on infringer of economic rights violations of an Author of a Copyright Holder and/or a Related Rights owner under a court decision in a civil or criminal case that is final and binding for the loss suffered by the Author, Copyright Holder and/or Related Rights owner.

26. Minister means the minister administering government affairs in the legal field.
27. Person means a natural person or legal entity.
28. Day means a work Day.

Article 2

This Law applies to:

a. all Works and Related Rights products of Indonesian nationals, residents and legal entities;
b. all Works and Related Rights products of non-Indonesian nationals, non-Indonesian residents and non-Indonesian legal entities making their first Publication in Indonesia;
c. all Works and/or Related Rights products and users of Works and/or Related Rights products of non-Indonesian nationals, non-Indonesian residents, and non-Indonesian legal entities, provided that:
    1. their State has a bilateral agreement with the Republic of Indonesia regarding the protection of Copyrights and Related Rights; or
    2. their State and the Republic of Indonesia are State parties to or Contracting States to the same multilateral agreement regarding the protection of Copyrights and Related Rights.

Article 3

This Law regulates:

a. Copyrights; and
b. Related Rights.

CHAPTER II
COPYRIGHTS

Part One
General

Article 4

Copyrights as referred to in Article 3 point a are the exclusive rights comprising moral rights and economic rights.

Part two
Moral Rights

Article 5

(1) The moral rights as referred to in Article 4 are rights that are eternally inherent to the Author to:
   a. continue to include or to exclude their name on the copy with respect to the public use of their Works;
   b. use an alias or pseudonym;
   c. change their Works to comply with appropriateness in society;
   d. change the title and subtitle of their Works; and
   e. defend their rights in the event of a distortion of Works, mutilation of Works, modification of Works, or other acts which will be prejudicial to their honor or reputation.

(2) The moral rights as referred to in section (1) cannot be transferred as long as the Author is alive, but the exercise of these rights is transferrable by testament or other reasons in accordance with the provisions of laws and regulations after their death.

(3) In the event of a transfer of the exercise of moral rights as referred to in section (2), the recipient may release or refuse the exercise of their rights with the condition that the release or refusal to exercise these rights is expressed in writing.

Article 6

In order to protect the moral rights as referred to in Article 5 section (1), the Author may have:

a. Copyright management information; and/or
b. Copyright electronic information.

Article 7

(1) The Copyright management information as referred to in Article 6 point a includes information about:
   a. methods or systems that can identify the originality of the substance of the Works and the Author; and

b. the information code and access code.

(2) The Copyright electronic information as referred to in Article 6 point b includes information about:

a. the Works, which appear and are embedded electronically in connection with the activity of Works Publication;

b. the Author's name, alias or pseudonym;

c. the Author as the Copyright Holder;

d. the period and conditions of the use of the Works;

e. number; and

f. information code.

(3) The Copyright management information as referred to in section (1) and the Copyright electronic information as referred to in section (2), which are owned by the Author, are prohibited from being removed, changed, or damaged.

Part Three
Economic Rights

Paragraph 1
Economic Rights of the Author or the Copyright Holder

Article 8

Economic rights are the exclusive right of the Author or the Copyright Holder in order to gain economic benefits from the Works.

Article 9

(1) The Author or the Copyright Holder as referred to in Article 8 has the economic rights to engage in:

a. publication of the Works;

b. Reproduction of the Works in all its forms;

c. translation of the Works;

d. adaptation, arrangement, or transformation of the Works;

e. Distribution of the Works or their copies;

f. performance of the Works;
g. Publication of the Works;
h. Communication of the Works; and
i. rental of the Works.

(2) Every Person who exercises the economic rights as referred to in section (1) is obligated to obtain permission from the Author or the Copyright Holder.

(3) Every person is prohibited from exercising Reproduction and/or Commercial Use without any permission from the Author or the Copyright Holder.

Article 10

Managers of business premises are prohibited from allowing the sale and/or reproduction of goods resulted from Copyrights and/or Related Rights infringements in the location under their management.

Article 11

(1) The economic rights to engage in the Distribution of the Works or copies as referred to in Article 9 Section (1) point e do not apply to Works or copies that have been sold or ownership of the Works has been transferred to anyone.

(2) The economic rights to rent out the Works or copies as referred to in Article 9 section (1) point i do not apply to Computer Programs where the Computer Program is not the essential object of the rental.

Paragraph 2
Economic Rights to a Portrait

Article 12

(1) Every Person is prohibited from engaging in Commercial Use, Reproduction, Publication, Distribution and/or Communication of a Portrait taken for commercial billboards or advertising purposes without the written consent of the persons in the portrait or their heirs.

(2) The Commercial Use, Reproduction, Publication, Distribution and/or Communication of the Portrait as

referred to in section (1), containing portraits of 2 (two) or more persons, are obligated to request the consent of the persons in the Portrait or their heirs.

Article 13

The Publication, Distribution, or Communication of the Portrait of a Performer or several Performers in a public performance are not regarded as an infringement of Copyright, unless stated otherwise or authorized by the Performers or holders of the right to the performance prior to or during the performance.

Article 14

For the purpose of security, public interest, and/or necessity of criminal proceedings, competent authority may engage in the Publication, Distribution, or Communication of a Portrait without having to secure the consent of the person or persons depicted in the Portrait.

Article 15

(1) Unless agreed otherwise, the owner and/or holder of a Works of photography, paintings, drawings, architectural work, sculpture or other artistic works have the right to make a Publication of the Works in a public exhibition or a Reproduction in a catalog produced for exhibition purposes without any consent of the Author.
(2) The provisions regarding the Publication of Works as referred to in section (1) also apply to Portraits insofar as they do not contradict the provisions as referred to in Article 12.

Paragraph 3

Transfer of Economic Rights

Article 16

(1) Copyright is an intangible movable Object.
(2) A Copyright may be transferred, either in whole or in part by:
    a. inheritance;

b. grant;
c. waqf;
d. testament;
e. written agreement; or
f. other justifiable reasons in accordance with the provisions of laws and regulations.

(3) A Copyright may be used as an object of fiducia collateral.

(4) The provision regarding Copyright as the object of fiducia collateral as referred to in section (3) is implemented in accordance with the provisions of laws and regulations.

Article 17

(1) Economic rights to Works remain with the Author or the Copyright Holder provided that the Author or the Copyright Holder does not transfer all economic rights from the Author or the Copyright Holder to the recipient of the transfer of rights to the Works.

(2) The economic rights that have been transferred by the Author or the Copyright Holder in whole or in part cannot be transferred for the second time by the same Author or Copyright Holder.

Article 18

The Works of books, and/or all other written works, songs and/or music with or without text that are transferred in a sold flat agreement and/or indefinite transfers, are to be reverted to the Author when the agreement reaches a period of 25 (twenty five) years.

Article 19

(1) Copyrights owned by an Author that have not been, have been, or are not Published, Distributed or Communicated after the Author's death become the property of the heirs or his/her beneficiary.

(2) The provisions as referred to in section (1) are not applicable if the rights are obtained in contravention to law.

CHAPTER III
RELATED RIGHTS

Part One
General

Article 20

The Related Rights as referred to in Article 3 point b are exclusive rights that include:

a. moral rights of Performers;
b. economic rights of Performers;
c. economic rights of Producers of Phonogram; and
d. economic rights of Broadcasting Organizations.

Part Two
Moral Rights of Performers

Article 21

Moral rights of Performers are the right inherent to Performers that cannot be eliminated or cannot be removed for any reason even though their economic rights have been transferred.

Article 22

The moral rights of Performers as referred to in Article 21 include the right to:

a. have their name stated as Performers, unless agreed otherwise; and
b. not create distortion of Works, mutilation of Works, modification of Works, or matters that have the nature of damaging personal honor or reputation unless agreed otherwise.

Part Three
Economic Rights

Paragraph 1
Economic Rights of Performers

Article 23

(1) Performers have economic rights.

(2) The economic rights of Performers as referred to in section (1) include the exclusive right to authorize or prohibit others from engaging in:

a. Broadcasting or Communication of performances of the Performers;

b. Fixation of performances that have not been fixed;

c. Reproduction of the Fixation of performances by any mean or in any form;

d. Distribution of the Fixation of performances or of copies;

e. rental of the Fixation of performances or of copies to the public; and

f. making available of the Fixation of performances to public access..

(3) The Broadcasting or Communication as referred to in section (2) point a is not applicable to:

a. Fixation of performances that have been authorized by the Performers; or

b. Rebroadcasting or Recommunication of what has been authorized by the Broadcasting Organization first receiving the performance authorization.

(4) The distribution as referred to in section (2) point d does not apply to performance works that has been fixed, sold or transferred.

(5) Every Person may engage in a Commercial Use of Works in a performance without prior authorization from the Author by paying remuneration to the Author through a Collective Management Organization.

Paragraph 2

Economic Rights of Producers of Phonogram

Article 24

(1) Producers of Phonogram have economic rights.

(2) The economic rights of Producers of Phonogram as referred

to in Section (1) include the exclusive right to authorize or prohibit others from engaging in:

a. reproduction of Phonograms by any means or in any forms;
b. distribution of original of Phonograms or of copies;
c. rental of copies of Phonograms to the public; and
d. making available, by wire or wireless means, of Phonograms to public access.

(3) The distribution as referred to in section (2) point b is not applicable to copies of performance Fixation that have been sold or whose ownership have been transferred by the Producer of Phonogram to other parties.

(4) Every Person exercising the economic rights of Producer of Phonogram as referred to in section (2) must obtain permission from the Producer of Phonogram.

Paragraph 3
Economic Rights of Broadcasting Organizations

Article 25

(1) Broadcasting Organizations have economic rights.

(2) The economic rights of Broadcasting Organizations as referred to in Section (1) include the exclusive right to authorize or prohibit others from engaging in:

a. Rebroadcasting of a broadcast;
b. Communication of a broadcast;
c. Fixation of a broadcast; and/or
d. Reproduction of a broadcast Fixation.

(3) Every person is prohibited from engaging in any unauthorized commercial distribution for of the content of broadcast works of Broadcasting Organizations.

Paragraph 4
Protection Limitations

Article 26

The provisions as referred to in Article 23, Article 24 and Article 25 apply to:

a. use of short excerpts from Works and/or Related Rights products for reporting actual events intended solely for the purpose of providing current information;
b. Reproduction of Works and/or Related Rights products solely for the purpose of scientific research;
c. Reproduction of Works and/or Related Rights products solely for the purpose of teaching activities, except performances and Phonograms that have been published as teaching materials; and
d. use for the purpose of education and scientific development that allows Works and/or Related Rights products to be used without permission from Performers, Producer of Phonogram, or Broadcasting Organizations.

Paragraph 5
Equitable Remuneration for
The Use of Phonograms

Article 27

(1) Phonograms that are available for public access by wire or wireless means must be considered as Phonograms that have been Published for commercial purposes.
(2) Users must pay reasonable remuneration to Performers and Producer of Phonogram, if a Phonogram Published for commercial purposes or a Reproduction of such Phonogram, is used directly for Broadcasting and/or for Communication.
(3) The right to receive reasonable remuneration as referred to in section (2) applies for 50 (fifty) years from the date of Publication.

Article 28

Unless agreed otherwise, Producer of Phonogram must pay Performers 1/2 (one half) of their revenues.

Paragraph 6
Transfer of Economic Rights

Article 29

The transfer of economic rights to Works as referred to in Article 16, Article 17 and Article 19 applies *mutatis mutandis* to the transfer of economic rights to Related Rights products.

Article 30

The economic rights to a Performer's Work of songs and/or music that have been transferred and/or sold, return to the Performer after a period of 25 (twenty five) years.

CHAPTER IV
AUTHOR

Article 31

Unless proven otherwise, the one to be considered as the Author is the Person whose name:

a. is stated in the Works;
b. is stated as the Author of the Works;
c. is stated in the certificate of Work Recordation; and/or
d. is listed in the general register of Works as the Author.

Article 32

Unless proven otherwise, a Person giving a talk without any written material and no information regarding the Author of the talk is available, is considered as the Author.

Article 33

(1) In the event that Works comprise several individual parts created by 2 (two) Persons or more, the one that will be regarded as the Author is he Person leading and overseeing the completion of the entire Works.
(2) In the event that the Person who leads and oversees the completion of the whole Works as referred to in section (1) does not exist, the one that will be considered as the Author is the Person who puts together the Works without prejudice to respective Copyrights of each part of the Works.

Article 34

In the event that Works are designed by a person and embodied and executed by other Persons under the direction and supervision of the Person who designs, the one will be regarded as the Author is the Person designing the Works.

Article 35

(1) Unless agreed otherwise, the Copyright Holder to Works produced by an Author under employment of civil service institution, the one to be regarded as the Author is the government agency.
(2) In the event that the Works as referred to in section (1) is used commercially, the Author and/or Related Rights holders will receive remuneration in the form of Royalty.
(3) Further provisions regarding the payment of Royalties for commercial use as referred to in section (2) are regulated in a Government Regulation.

Article 36

Unless agreed otherwise, the Author and the Copyright Holder to Works produced under an employment relation or based on commission are the party producing the Works.

Article 37

Unless proven otherwise, in the event that a legal entity makes Publication, Distribution, or Communication of Works originating from the legal entity, without citing any person as the Author, the one who will be regarded as the Author is the legal entity.

CHAPTER V
PROTECTED TRADITIONAL CULTURAL EXPRESSIONS AND WORKS

Part One
Traditional Cultural Expressions and Copyrights of Unknown Authors

Article 38

(1) The Copyright of traditional cultural expressions is held by the State.
(2) The State is obligated to take inventory, preserve, and maintain traditional cultural expressions as referred to in section (1).
(3) The use of traditional cultural expressions as referred to in section (1) considers the values that live in the custodian that practice them.
(4) Further provisions regarding Copyrights held by the State on traditional cultural expressions as referred to in section (1) are regulated in a Government Regulation.

Article 39

(1) In the event that the Author of Works is unknown and the Works have not been Published, the Copyright of the Works will be held by the State for the benefit of the Author.
(2) In the event that Works of unknown Author have been Published, or listed only in alias or pseudonym of the Author, the Copyright to the Works will be held by the party who makes the Publication for the interest of the Author.
(3) In the event that Works have been published but the Author and party who make the Publication are unknown, the Copyright to the Works will be held by the State for the interest of the Author.
(4) The provisions as referred to in section (1), section (2) and section (3) are not applicable if the Author and/or parties making the Publication may prove the ownership to the work concerned.
(5) The interest of the Author as referred to in section (1) and section (3) is executed by the Minister.

Part Two

Protected Works

Article 40

(1) Protected Works which include scientific, artistic, and literary Works, comprise:

a. books, pamphlets, typholographical arrangement of published written work, and all other written works;
b. talks, lectures, speeches, and other similar Works;
c. visual aids made for educational and scientific purposes;
d. songs and/or music with or without lyrics;
e. dramatic works, musical dramas, dances, choreography, puppet shows, pantomimes;
f. fine art works in any forms such as paintings, drawings, engravings, calligraphy, carvings, sculptures, or collage;
g. applied art works;
h. architectural works;
i. maps;
j. batik art works or other patterns art;
k. photographic works;
l. Portraits;
m. cinematographic works;
n. translations, interpretations, alterations, anthologies, databases, adaptation, arrangement, modification and other works resulting from transformation;
o. translation, adaptation, arrangement, transformation, or modification of traditional cultural expressions;
p. compilation of Works or data, whether in a readable format by Computer Program or by other media;
q. compilation of traditional cultural expressions as long as the compilation constitutes an original work;
r. video games; and
s. Computer Programs.

(2) The Works as referred to in section (1) point n are protected as Works in their own right without prejudicing the Copyright on the original Works.

(3) The protection as referred to in section (1) and section (2) includes the protection for Works that have not been Published but have already embodied in tangible form allowing the Reproduction of such Work.

Part Three
Unprotected Works under Copyrights

Article 41

Works that are not protected by Copyrights include:

a. works that have not been embodied in tangible form;
b. every idea, procedure, system, method, concept, principle, findings or data despite having been expressed, stated, described, explained, or incorporated in a Work; and
c. tools, objects, or products that are created solely to resolve technical problems or of which form only serves functional needs.

Article 42

There is no Copyright to works of:

a. results of open meetings of State institutions;
b. laws and regulations;
c. State speeches or speeches of government officials;
d. court decisions or judge provisions; and
e. scriptures or religious symbols.

CHAPTER VI
COPYRIGHT LIMITATIONS

Article 43

Acts that are not considered as Copyright infringements include:

a. Publication, Distribution, Communication, and/or Reproduction of State emblems and national anthem in accordance with their original nature;
b. Any Publication, Distribution, Communication, and/or Reproduction executed by or on behalf of the government, unless stated to be protected by laws and regulations, a statement to such Works, or when Publication, Distribution, Communication, and/or Reproduction to such Works are made;
c. taking of actual news, either in whole or in part from a news agency, Broadcasting Organization, and newspaper or

other similar sources provided that the source is fully cited; or

d. the production and distribution of the Copyrighted content through information technology and communication media that are not commercial and/or lucrative for the Author or related parties, or the Author expresses no objection to the manufacture and dissemination in question.

e. Reproduction, Publication, and/or Distribution of Portraits of the President, Vice President, former Presidents, former Vice Presidents, National Heroes, heads of State institutions, heads of ministries/nonministerial government agencies, and/or the heads of regions by taking into account the dignity and appropriateness in accordance with the provisions of laws and regulations.

Article 44

(1) Use, retrieval, Reproduction, and/or change of Works and/or Related Rights products in whole or substantial part are not regarded as a Copyright infringement if the source is mentioned or cited in full for the purpose of:
   a. education, research, scientific writing, report writing, writing of critique or review of a problem without prejudicing the reasonable interests of the Author or the Copyright Holder;
   b. security and governance, legislative, and judiciary;
   c. talks that are only intended for the purpose of education and science; or
   d. performances or shows that are free of charge provided that they would not prejudice the reasonable interests of the Author.

(2) Facilitating access to Works for persons who are blinds, visually impaired or print disabled and/or users of Braille, audio books, or other means, is not considered a Copyright infringement if the source is mentioned or fully cited, except for commercial purposes.

(3) In the event of Works in the form of architectural works, the change as referred to in section (1) will not be considered a

Copyright infringement if it is based on considerations of technical implementation.

(4) Further provisions regarding the facilitation of access to Works for persons who are blind, visually impaired and print disabled and using Braille, audio books, or other means as referred to in section (2) are administered in Government Regulation.

Article 45

(1) A Reproduction of 1 (one) copy or adaptation of a Computer Program carried out by a legitimate user may be done without the permission from the Author or the Copyright Holder if the copy is used for:
   a. research and development of the Computer Program; and
   b. archive or backup of the Computer Program acquired legally to prevent loss, damage, or cannot be operated.

(2) If the use of the Computer Program has expired, the copy or the adaptation of the Computer Program must be destroyed.

Article 46

(1) Reproduction for personal use of Works that has been published may only be made for 1 (one) copy and may be carried out without permission from the Author or the Copyright Holder.

(2) The Reproduction for personal purposes as referred to in section (1) does not include:
   a. architectural works in the form of buildings or other constructions;
   b. an entire or a substantial part of a book or musical notation;
   c. an entire or a substantial part of a database in digital form;
   d. Computer Programs, except as referred to in Article 45 section (1); and
   e. Reproduction for personal purposes of which exercise contravenes the reasonable interests of the Author or the Copyright Holder.

Article 47

Every non-commercial library or archival institution may reproduce 1 (one) copy of the Works or part of the Works without permission from the Author or the Copyright Holder by:

a. Reprographic reproduction of a writing that has been Published, summarized, or abridged to meet the demand of a person provided that:
    1. the library or the archival institution ensures that the copy will only be used for educational or research purposes;
    2. the Reproduction is made separately and if it is repeated, that Reproduction must constitute unrelated events; and
    3. no License is offered by the Collective Management Organization for the library or the archival institution in regard to the reproduced section.
b. the reproduction of copies is for preservation, replacement of required copies, or replacement of copies in the event that the copy is lost, damaged, or destroyed from the permanent collection at the library or other archival institutions provided that:
    1. it is impossible for the library or the archival institution to obtain a copy in reasonable conditions; or
    2. the making of the copy is conducted separately or if done repeatedly, the making of copies must be unrelated events.
c. the reproduction of copies is intended for the purpose of interlibrary, interarchival institutions, and between library and archival institution Communication or information exchange.

Article 48

Reproduction, Broadcasting or Communication of Works for information purposes that specifies the source of and the name of the Author in full are not considered as Copyright

infringements provided that the Works are in the form of:

a. articles in various fields that have been Published both in printed media and electronic media, unless its copy is provided by the Author, or is related to the Broadcasting or Communication of the Works;
b. reports of actual events or short excerpts of the Works that are viewed or listened to in certain situations; and
c. scientific papers, speeches, talks, or other similar Works conveyed to the public.

Article 49

(1) Temporary Acts of Reproduction of Works are not considered as Copyright infringement if the Reproduction meets the following conditions:
    a. it is done during the digital transmission or the production of the digital Works in a storage media;
    b. it is done by any Person authorized by the Author to transmit the Works; and
    c. it uses any tools equipped with automatic deletion mechanism to prevent such Works to be displayed again.
(2) Any Broadcasting Organization may make temporary recording without authorization from the Author or the Copyright Holder for the purpose of its activities using its own equipment and facilities.
(3) Broadcasting Organizations are obligated to destroy the temporary recording as referred to in section (2) not later than 6 (six) months since its production or within a longer period upon approval from the Author.
(4) Broadcasting Organizations may make 1 (one) copy of the temporary recording that has particular characteristics for official archival purposes.

Article 50

Every Person is prohibited from engaging in Publication, Distribution, or Communication of Works that contravene morals, religion, morality, public order, or national defense and security.

Article 51

(1) The government may make Publication, Distribution, or Communication of Works through radio, television and/or other means for national interests without authorization from the Copyright Holder, on the condition that it is obligated to provide remuneration to the Copyright Holder.
(2) The Broadcasting Organizations making the Publication, Distribution, or Communication of Works as referred to in section (1) have the right to document the Works solely for the Broadcasting Organizations on the condition that for subsequent Broadcasting, the Broadcasting Organizations must obtain authorization from the Copyright Holder.

CHAPTER VII
TECHNOLOGICAL PROTECTION MEASURES

Article 52

Every person is prohibited from damaging, destroying, eliminating, or disabling the function of technological protection measures used as a safeguard of the Works or Related Rights products as well as the safeguard of the Copyright or Related Rights, except for State defense and security purposes, as well as other reasons in accordance with the provisions of laws and regulations, or as agreed otherwise.

Article 53

(1) Works or Related Rights products using information technology-based and/or high technology-based means of production and/or data storage must satisfy the licensing regulations and production requirements established by relevant authorities.
(2) Further provisions regarding the information technology and/or high technology-based means of production and/or data as referred to in section (1) are regulated in a Government Regulation.

CHAPTER VIII
COPYRIGHT AND RELATED RIGHTS CONTENT IN INFORMATION AND COMMUNICATION TECHNOLOGY

Article 54

To prevent the infringement of Copyright and Related Rights using media based on information technology, the Government is authorized to conduct:

a. supervision on the production and dissemination of Copyrights and Related Rights infringing contents;
b. cooperation and coordination with various parties, either domestic or international in the prevention of production and dissemination of Copyrights and Related Rights infringing contents; and
c. supervision on the acts of recording Works and Related Rights products using any media in performance venues.

Article 55

(1) Every Person who is aware of an infringement of Copyright and/or Related Rights through electronic systems for Commercial use may report to the Minister.
(2) The Minister verifies the reports as referred to in section (1).
(3) In the event that sufficient evidence is found based on the verification of the reports as referred to in section (2), upon request of the complainant the Minister will recommend the minister administering government affairs in the field of telecommunications and information to block in part or in whole the Copyrights infringing the content in the electronic system or make the services of the electronic system inaccessible.
(4) In the event of the blocking of Internet sites as referred to in section (3) is done entirely, within a period of 14 (fourteen) Days after the blocking, the Minister is obligated to request a court provision.

Article 56

(1) The Minister administering government affairs in the field of telecommunications and information pursuant to the recommendations as referred to in Article 55 section (3) may block the content and/or user's access right that infringes Copyrights and/or Related Rights in the electronic system and renders the electronic system services inaccessible.

(2) Further provisions regarding the implementation on blocking content and/or user's access right that infringes Copyrights and/or Related Rights in the electronic system or rendering the electronic service system as referred to in section (1) are stipulated by a joint regulation of the Minister and the minister holding the duties and responsibilities in the field of communication and information.

CHAPTER IX
DURATION OF
COPYRIGHTS AND RELATED RIGHTS

Part One
Duration of Copyrights

Paragraph 1
Duration of Moral Rights

Article 57

(1) The moral rights of Authors as referred to in Article 5 section (1) point a, point b, and point e endure for indefinite term.

(2) The moral rights of Authors as referred to in Article 5 section (1) point c and point d endure for a term of Copyright on the Works concerned.

Paragraph 2
Duration of Economic Rights

Article 58

(1) Copyright protection for Works of:
   a. books, pamphlets, and all other written works;
   b. talks, lectures, speeches, and other similar Works;
   c. props made for education and scientific purposes;
   d. songs or music with or without lyrics;
   e. dramatic works, musical dramas, dances, choreography, puppet shows, pantomimes;
   f. fine art works in all forms such as paintings, drawings, engravings, calligraphy, sculpture, sculptures, or collage;
   g. architectural works;
   h. maps; and
   i. batik art works or other pattern arts,

   endures for a term consisting of the life of the Author and 70 (seventy) years after the Author's death, commencing from 1st January of the year following the event.,

(2) In the event that the Works as referred to in Section (1) is owned by 2 (two) or more persons, Copyright protection will endure for a term consisting of the life of the last surviving Author and 70 (seventy) years after such last surviving author's death, commencing from 1st January of the year following the event.

(3) Copyright protection to the Works as referred to in section (1) and section (2) owned or held by a legal entity endures for 50 (fifty) years since its first Publication.

Article 59

(1) Copyright protection for Works of:
   a. photographic works;
   b. Portraits;
   c. cinematographic works;
   d. video games;
   e. Computer programs;
   f. typholographical arrangement of written works;
   g. translations, interpretations, alterations, anthologies, databases, adaptations, arrangements, modifications

and other work resulting from transformation;

h. translations, adaptations, arrangements, transformations or modifications of traditional cultural expressions;

i. compilation of Works or data, either in a readable format by a Computer Program or other media; and

j. compilation of traditional cultural expressions insofar as the compilation is an original work,

endures for 50 (fifty) years since the first Publication.

(2) Copyright Protection for Works of applied art endures for 25 (twenty five) years since the first Publication.

Article 60

(1) Copyrights on the traditional cultural expressions held by the State as referred to in Article 38 section (1) endure indefinitely.

(2) Copyrights to the Works of unknown Authors held by the State as referred to in Article 39 section (1) and section (3) endure for 50 (fifty) years since the first Publication.

(3) Copyright to the Works exercised by the party performing the Publication as referred to in Article 39 section (2) endure for 50 (fifty) years since the first Publication.

Article 61

(1) Duration of Copyright protection for Works of which Publication made in parts is calculated from the date of Publication of the final part.

(2) In determining the duration of Copyright protection for Works consisting of 2 (two) volumes or more of which Publication is periodic and not at the same time, each volume of the Works is considered as a separate Work.

Part Two

Duration of Related Rights

Paragraph 1

Duration of Moral Rights of Performers

Article 62

The duration of moral rights as referred to in Article 57 applies *mutatis mutandis* with respect to the moral rights of Performers.

Paragraph 2

Duration of Economic Rights of

Performers, Producers of Phonogram and Broadcasting Organizations

Article 63

(1) Protection of economic rights for:
   a. Performers, endures for 50 (fifty) years since the performance is fixed in a Phonogram or in audiovisual;
   b. Producers of Phonogram, endures for 50 (fifty) years since the Phonogram is fixed; and
   c. Broadcasting Organizations, endures for 20 (twenty) years since the broadcasting work was first broadcasted.

(2) The duration of economic rights protection as referred to in section (1) commences from 1 January of the year following the event.

CHAPTER X

RECORDATION OF WORKS AND RELATED RIGHTS PRODUCTS

Part One

General

Article 64

(1) The Minister administers the recordation and the Invalidation of Works and Related Rights products.

(2) The Recordation of Works and Related Rights products as referred to in section (1) is not a requirement to obtain Copyright and Related Rights.

Article 65

The recordation of Works cannot be carried out for art paintings

in the form of logos or distinctive signs that are used as marks in the course of trade of goods/services or used as a symbol of an organization, business entity or legal entity.

Part Two
Procedures for Recordation

Article 66

(1) The recordation of Works and Related Rights products is filed with written Application in the Indonesian language by the Author, Copyright Holder, Related Rights owner, or his/her Proxy to the Minister.
(2) The Application as referred to in section (1) filed electronically and/or non-electronically must:
    a. deposit a sample of Works, Related Rights products, or its substitution;
    b. attach a statement of ownership of the Works and Related Rights; and
    c. pay fees.

Article 67

(1) In the event that the Application as referred to in Article 66 section (1) is filed by:
    a. several persons who are jointly entitled to the Works or Related Rights products, the Application will be enclosed with a written statement corroborating such rights; or
    b. legal entities, the Application will be enclosed with a certified true copy of the deed of establishment of the legal entity that has been certified by competent authorities.
(2) In the event that the Application is filed by several persons, all the applicants' names must be written by determining one selected address of applicant.
(3) In the event that the Application is filed by an applicant who originates from outside the territory of the Unitary State of the Republic Indonesia, the Application is required to file through a registered intellectual property consultant as the Proxy.

Article 68

(1) The Minister conducts an examination to the Application that has satisfied the requirements as referred to in Article 66 and Article 67.

(2) The examination as referred to in section (1) is conducted to determine whether the Works or Related Rights products filed are essentially the same or else to the Works recorded in the general registry of Works or other intellectual property objects.

(3) The results of the examination as referred to in section (1) are used as consideration for the Ministers to accept or refuse the application.

(4) The Minister decides to accept or refuse the application not later than 9 (nine) months from the date of receipt of the Application satisfying the requirements as referred to in Article 66 and Article 67.

Article 69

(1) In the event that the Minister accepts the application as referred to in Article 68 section (4), the Minister issues a certificate of Work recordation and record it in the general register of Works.

(2) The general register of Works as referred to in section (1) specifies:

a. the name of the Author and the Copyright Holder, or the name of the owner of the Related Rights products;

b. the date of receipt of the Application;

c. the date of completion of the requirements as referred to in Article 66 and Article 67; and

d. number of registration of the Works or the Related Rights products.

(3) The general register of Works as referred to in section (2) may be viewed by every Person for free.

(4) Unless proven otherwise, the certificate of Work recordation as referred to in section (1) is the preliminary proof of ownership to Works or Related Rights products.

Article 70

In the event that the Minister refuses the Application as referred to in Article 68 section (4), the Minister will notify the refusal in writing to the applicant with reasons.

Article 71

(1) Works of Related Rights products recorded in the general register of Works as referred to in Article 69 section (1) may be issued an official excerpt.
(2) Every Person may obtain the official excerpt as referred to in section (1) that is subject to fees.

Article 72

The Recordation of Works or Related Rights products in the general register of Works does not constitute an endorsement of the content, meaning, purpose, or shape of the Works or Related Rights products being recorded.

Article 73

Further provisions regarding procedures for recordation of Works and Related Rights products are regulated in a Government Regulation.

Part Three
Invalidation of the Recordation of
Works and Related Rights Products

Article 74

(1) The recordation of Works and Related Rights is invalid due to:
    a. a request of the person or legal entity whose name is recorded as the Author, Copyright Holder or Related Rights owner;
    b. the lapse of time as referred to in Article 58, Article 59, Article 60 section (2) and section (3) and Article 61;
    c. court decision that has been final and binding

regarding the cancellation of recordation of Works or Related Rights product; or

d. violation of religious norms, norms of morality, public order, State defense and security, or laws and regulations of which invalidation is executed by the Minister.

(2) Invalidation of recordation of Works upon request of the person or legal entity whose name is recorded as the Author, the Copyright Holder, or Related Rights owner as referred to in section (1) point a is subject to fees.

Article 75

Further provisions regarding invalidation of the recordation of Works and Related Rights products as referred to in Article 74 are regulated in a Government Regulation.

Part Four

Transfer of Rights to Recordation of Works and Related Rights Products

Article 76

(1) The transfer of Rights to the recordation of Works and Related Rights products as referred to in Article 69 section (1) may be made if the entire Copyright to the recorded Works is transferred to the right recipient.

(2) The Transfer of Rights as referred to in section (1) is done by submitting a request in writing from both sides or from the rights recipient to the Minister.

(3) The Transfer of Rights as referred to in section (2) is recorded in the general register of Works and subject to fees.

Article 77

Further provisions regarding the transfer of rights to recordation of Works and Related Rights products as referred to in Article 76 are regulated in a Government Regulation.

Part Five

Changes in Name and/or Address

Article 78

(1) Changes in name and/or address of the person or legal entity of which name is recorded in the general register of Works as the Author, the Copyright Holder, or the owner of Related Rights products are carried out by submitting an Application in writing from the Author, the Copyright Holder, or the owner of the Related Rights products who is the owner of that name and address to the Minister.

(2) Changes in name and/or address of the person or legal entity of which name is recorded in the general register of Works as the Author, the Copyright Holder, or the owner of Related Rights are recorded in the general register of Works and subject to fees.

Article 79

Further provisions regarding the changes in name and/or address as referred to in Article 78 are regulated in a Government Regulation.

CHAPTER XI

LICENSE AND COMPULSORY LICENSE

Part One

License

Article 80

(1) Unless agreed otherwise, Copyright holders or Related Rights owners have the right to grant a license to other parties pursuant to a written agreement to carry out the acts as referred to in Article 9 section (1), Article 23 section (2), Article 24 section (2), and Article 25 section (2).

(2) The Licensing Agreement as referred to in section (1) takes into effect for a certain period without exceeding the duration of the Copyright and Related Rights.

(3) Unless agreed otherwise, the exercise of the acts as referred

to in section (1) entails obligation of the Licensee to pay Royalties to the Copyright Holder or Related Rights owner during the Licensing period.

(4) The determination of the amount of Royalty as referred to in Section (3) and procedures for granting Royalties is based on the Licensing agreement between the Copyright Holder or Related Rights owner and the Licensee.

(5) The amount of Royalty in the License agreement must be determined based on the prevailing best practices and serve the equitable principle.

Article 81

Unless agreed otherwise, Copyright Holders or Related Rights owners may exercise on their own or grant a License to a third party to exercise the acts as referred to in Article 9 section (1), Article 23 section (2), Article 24 section (2), and Article 25 section (2).

Article 82

(1) Licensing agreements are prohibited from including provisions that bring damages to the Indonesian economy.

(2) Content of the Licensing agreements is prohibited from contravening the provisions of laws and regulations.

(3) Licensing agreements are prohibited from becoming means to eliminate or take over all the rights of Authors to their Works.

Article 83

(1) Licensing Agreements must be recorded by the Minister in the general register of Copyright License Agreements and subject to fees.

(2) Licensing Agreements that do not comply with the provisions as referred to in Article 82 may not be recorded in the general register of Licensing agreements.

(3) If a Licensing agreement is not recorded in the general register as referred to in section (1), the Licensing agreement does not have legal effects to third parties.

(4) Further provisions regarding the procedures for recordation of Licensing Agreements as referred to in section (1) are regulated in a Government Regulation.

Part Two
Compulsory License

Article 84

A compulsory license is a License to carry out translation and/or Reproduction of scientific and literary Works which are granted under the decision of the Minister upon request for the purposes of education and/or science as well as research and development activities.

Article 85

Every Person may apply for a compulsory license of scientific and literary Works as referred to in Article 84 for the purposes of education, science, and research and development activities to the Minister.

Article 86

(1) With respect to the request for a compulsory license as referred to in Article 85, the Minister may:
   a. oblige the Copyright Holder to do their own translation and/or Reproduction of Works in the territory of the Republic of Indonesia within a specified time;
   b. oblige concerned Copyright Holder to authorize other parties to carry out the translation and/or Reproduction of Works in the territory of the Republic Indonesia within a specified period where the Copyright Holder does not do on their own; or
   c. appoint other parties to do the translation and/or Reproduction of the Works in the event that the Copyright Holder does not carry out the obligations as referred to in point b.

(2) The Obligation to do the translation as referred to in section (1) is implemented after a lapse of a period of 3 (three) years since the scientific and literary Works are published insofar as the works have never been translated into the Indonesian language.

(3) The obligation to perform Reproduction as referred to in section (1) is implemented after the lapse of a period of:

a. 3 (three) years since a book in the field of mathematics and natural sciences has been Published and the book has never been Reproduced in the territory of the Unitary Republic of Indonesia;
b. 3 (three) years since a book in the field of social sciences has been Published and the book has not been Reproduced in the territory of the Unitary State of Republic of Indonesia; and
c. 3 (three) years since a book in the field of arts and literature has been Published and the book has never been Reproduced in the territory of the Unitary State of the Republic of Indonesia.

(4) The Translation or Reproduction as referred to in section (1) may only be used in the territory of the Unitary State of the Republic of Indonesia.

(5) The implementation of the provisions as referred to in section (1) point b and point c entails reasonable remuneration.

(6) Further provisions regarding compulsory licenses are regulated in a Government Regulation.

CHAPTER XII
COLLECTIVE MANAGEMENT ORGANIZATIONS

Article 87

(1) In order to obtain the economic rights, every Author, Copyright Holder, and Related Rights owner become members of a Collective Management Organization in order to collect reasonable remuneration from users who use the Copyright and Related Rights in non-commercial public service.

(2) Copyright and Related Rights Users, who use the Rights as referred to in section (1), pay Royalties to the Author, Copyright Holder, or Related Rights owners through a Collective Management Organization.

(3) The Users as referred to in section (1) enter into an agreement with the Collective Management Organization stipulating the obligation to pay the Royalties for the

Copyright and Related Rights being used.

(4) The commercial use of Works and/or Related Rights products by users is not considered an infringement of this Law insofar as the user has done and has fulfilled the obligations under the agreement with the Collective Management Organization.

Article 88

(1) The Collective Management Organization as referred to in Article 87 section (1) is obligated to submit Application for operational permit to the Minister.

(2) Operational permit as referred to in section (1) fulfills the requirements of:
   a. being a non-profit Indonesian legal entity;
   b. being authorized by the Author, Copyright Holder, or Related Rights owners to collect, and distribute royalties;
   c. having mandate givers as members for at least 200 (two hundred) Authors for Collective Management Organizations in the field of songs and/or music that represent the interests of authors and at least 50 (fifty) for Collective Management Organizations representing Related Rights owners and/or other Copyright objects;
   d. having the objective to collect and distribute Royalties; and
   e. being able to collect and distribute royalties to Authors, Copyright Holders or Related Rights owners.

(3) Collective Management Organizations that do not have an operational permit from the Minister as referred to in section (1) are prohibited from collecting and distributing Royalties.

Article 89

(1) To manage Copyright Royalties in the field of songs and/or music 2 (two) national Collective Management Organizations are established that each represents:
   a. interests of Authors; and
   b. interests of Related Rights owners.

(2) Both of Collective Management Organizations as referred to in section (1) have the authority to collect and distribute Royalties from commercial Users.

(3) To collect as referred to in section (2) the two Collective Management Organizations coordinate and determine the amount of Royalties that is the right of each Collective Management Organization in accordance with the prevailing best practice.

(4) The provisions concerning guidelines for determining the amount of royalties are established by the Collective Management Organizations as referred to in section (1) and endorsed by the Minister.

Article 90

In managing rights of Authors and Related Rights owners, the Collective Management Organizations are obligated to perform financial audits and performance audits conducted by public accountant at least once in 1 (one) year and announce the results to the public through 1 (one) national print media and 1 (one) electronic media.

Article 91

(1) A Collective Management Organization may only use operational funds as much as 20% (twenty percent) from the total amount of Royalties collected annually.

(2) During the first 5 (five) years since the establishment of the Collective Management Organization under this Law, the Collective Management Organization may use operational funds a maximum of 30% (thirty percent) of the total amount of royalties collected annually.

Article 92

(1) The Minister evaluates the Collective Management Organizations at least once in 1 (one) year.

(2) In the event that the result of the evaluation as referred to in section (1) shows that the Collective Management Organization does not comply with the provisions as referred to in Article 88, Article 89 section (3), Article 90, or

Article 91, the Minister will revoke the operational permit of the Collective Management Organization.

Article 93

Further provisions regarding procedures for requesting and issuing operational permit, as well as evaluating the Collective Management Organizations are regulated in a Ministerial Regulation.

Chapter XIII
FEES

Article 94

The fees as referred to in Article 66 section (2) point c, Article 71 section (2), Article 74 section (2), Article 76 section (3), Article 78 section (2), and Article 83 section (1) are non-tax State revenues collected in accordance with the provisions of laws and regulations in the field of non-tax State revenues.

Chapter XIV
DISPUTE SETTLEMENT

Part One
General

Article 95

(1) Copyright dispute settlement may be done through alternative dispute resolution, arbitration, or courts.
(2) The authorized court as referred to in section (1) is the Commercial Court.
(3) Courts other than the Commercial Court as referred to in section (2) are not authorized to handle Copyright dispute settlement.
(4) In addition to the infringement of Copyrights and/or Related Rights in the form of Piracy, insofar as all parties in dispute are known to exist and/or are in the territory of the Unitary State of the Republic Indonesia, they first

undertake a settlement of disputes through mediation before proceeding with penal charges.

Article 96

(1) Authors, Copyright holders and/or Related Rights holders or their heirs suffering from loss of economic rights are entitled to Damages.
(2) The Damages as referred to in section (1) are given and specified simultaneously in the verdict of the court decision regarding the Copyright and/or Related Rights criminal offenses.
(3) The Payment of Compensation to the Author, Copyright Holder and/or Related Rights owner is made within not later than 6 (six) months after the court decision is final and binding.

Article 97

(1) In the event that the Works have been recorded under Article 69 section (1), other interested parties may file a lawsuit for cancellation of recordation of the Works in the public register of Works through the Commercial Court.
(2) The lawsuit as referred to in section (1) is addressed to the Author and/or the registered Copyright Holder.

Article 98

(1) The transfer of Copyright of Works in whole to other parties does not prejudice the right of the Author or their heirs to file a lawsuit against any Person who deliberately and without rights and without the consent of the Author violates the moral rights of the Author as referred to in Article 5 section (1).
(2) The transfer of economic rights of Performers to other parties does not prejudice the right of Performers or their heirs to file a lawsuit against any Person who deliberately and without rights and without the consent of the Performers infringement the moral rights as referred to in Article 22.

Article 99

(1) Authors, Copyright Holders, or the Related Rights owners are entitled to file claim for damages to the Commercial Court for infringement of Copyrights or Related Rights products.

(2) The claim for damages as referred to in section (1) may be in the form of a request to give all or a part of the income earned from organizing talks, scientific meetings, performances or exhibitions of the work resulting from the infringement of Copyright or Related Rights products.

(3) In addition to the claim as referred to in section (1), Authors, Copyright Holders, or Related Rights owners may request an interlocutory injunction to the Commercial Court to:

a. request the seizure of the Works that has been Published or Reproduced, and/or Reproduction tools used to produce the Works resulting from an infringement of Copyright and Related Rights products; and/or

b. cease the activity of Publication, Distribution, Communication, and/or Reproduction of the Works resulting from an infringement of Copyright and Related Rights products.

Part Two

Procedures for Lawsuit

Article 100

(1) A claim for Copyright infringement is submitted to the chief justice of the Commercial Court.

(2) The claim as referred to in section (1) is recorded by the clerk of the Commercial Court in the register of court cases on the date the claim is filed.

(3) The clerk of the Commercial Court provides a receipt that has been signed on the same date as the date of registration.

(4) The clerk of the Commercial Court submits the claim

application to the chief justice of the Commercial Court not later than 2 (two) days since the date the claim is filed.

(5) Within a period of not later than 3 (three) Days from the registration date, the Commercial Court sets the trial Day.

(6) Notices and subpoena of parties are carried out by the bailiff not later than 7 (seven) Days after the claim is registered.

Article 101

(1) A decision to the claim is pronounced not later than 90 (ninety) Days since the lawsuit is filed.

(2) In the event that the period as referred to in section (1) cannot be met, upon the approval of the Chief Justice of the Supreme Court that period may be extended for 30 (thirty) days.

(3) The decision as referred to in section (1) is pronounced in an open court hearing.

(4) The decision of the Commercial Court as referred to in section (3) is delivered by the bailiff to the parties not later than 14 (fourteen) Days since the decision is pronounced.

Part Three
Legal Remedies

Article 102

(1) The decision of the Commercial Court as referred to in Article 101 section (3) is only subject to an appeal to the Supreme Court.

(2) The appeal to the Supreme Court as referred to in section (1) is filed not later than 14 (fourteen) Days since the date the decision of the Commercial Court is pronounced in an open court hearing or is notified to the parties.

(3) The appeal as referred to in section (2) is registered in the Commercial Court releasing the decision to the claim by payment of fee of which amount is determined by the court.

(4) The clerk of the Commercial Court registers the appeal to the Supreme Court on the date the application is submitted and provides a signed receipt for the appellant on the same date as the registration date.

(5) The clerk of the Commercial Court is obligated to convey the appeal to the Supreme Court as referred to in section (4) to the defendant not later than 7 (seven) Days after the appeal to the Supreme Court is filed.

Article 103

(1) The appellant submits an appeal memory to the Supreme Court to the clerk of the Commercial Court not later than 14 (fourteen) Days as from the date of the appeal to the Supreme Court is filed.
(2) The clerk of the Commercial Court delivers the appeal memory to the Supreme Court as referred to in section (1) to the defendant not later than 7 (seven) Days since the clerk of the Commercial Court receives the appeal memory to the Supreme Court.
(3) The defendant may submit a counter memory of appeal to the Supreme Court to the clerk of the Commercial Court not later than 14 (fourteen) Days since the defendant receives the appeal memory to the Supreme Court.
(4) The clerk of the Commercial Court delivers a counter memory of appeal to the Supreme Court to the appellant not later than 7 (seven) Days since the clerk of the Commercial Court receives the counter memory of appeal to the Supreme Court.
(5) The clerk of the Commercial Court sends the counter memory of appeal to the Supreme Court not later than 14 (fourteen) Days as from the period as referred to in section (3).

Article 104

(1) Within a period of 7 (seven) Days since the Supreme Court receives petition to appeal, the Supreme Court sets a trial Day.
(2) The decision of appeal to the Supreme Court must be pronounced not later than 90 (ninety) Days as from the date the appeal is accepted by the Supreme Court.
(3) The clerk of the Supreme Court is obligated to deliver a copy of the appeal decision to the clerk of the Commercial

Court not later than 7 (seven) days since the appeal decision is pronounced.

(4) The bailiff of the Commercial Court is obligated to deliver a copy of the appeal decision as referred to in Section (3) to the appellant and the defendant within a period of 7 (seven) days since the clerk of the Commercial Court receives the appeal decision.

Article 105

The right to claim for infringement of Copyright and/or Related Rights does not prejudice the Rights of the Author and/or the Related Rights owner to charge for penal lawsuit.

CHAPTER XV
INTERLOCUTORY INJUNCTION

Article 106

Upon the request of the party affected by the implementation of Copyright or Related Rights, the Commercial Court may issue an interlocutory injunction to:

a. prevent the entry of products which are allegedly resulting from the infringement of the Copyright or Related Rights into trade channels;
b. withdraw from circulation and seize as well as to keep as admissible evidence related to the infringement of Copyright or Related Rights;
c. secure evidence and prevent its elimination by perpetrator; and/or
d. cease the infringement in order to prevent greater damages.

Article 107

(1) Request for interlocutory injunction is submitted in writing by the Author, the Copyright Holder, the Related Rights owner, or their Proxy to the Commercial Court by compelling the following requirements:
    a. attaching proof of Copyright or Related Rights ownership;
    b. attaching initial indications of the infringement of the Copyright or Related Rights;

c. attaching a clear description on the goods and/or documents requested, searched, collected, or secured for evidence;
d. attaching a statement of concern that the party allegedly committing the Copyright or Related Rights offense will destroy the evidence; and
e. paying a bail with the amount proportional to the value of the goods to be subject to the interlocutory injunction.

(2) The request for interlocutory injunction as referred to in section (1) is submitted to the chief justice of the Commercial Court within the jurisdiction where the goods allegedly to be resulting from Copyright or Related Rights infringement are found.

Article 108

(1) If the request for interlocutory injunction has complied the requirements as referred to in Article 107, the clerk of the Commercial Court registers the request and submits the request for interlocutory injunction not later than 1x24 (one times twenty four) hours to the chief justice of the Commercial Court.
(2) Within not later than 2 (two) Days as from the date of receipt of the request for interlocutory injunction as referred to in section (1), Chief Justice of the Commercial Court appoints a judge of Commercial Court to review the request for interlocutory injunction.
(3) Within not later than 2 (two) Days as from the date of appointment as referred to in section (2), judge of the Commercial Court must decide in order to grant or refuse the request for interlocutory injunction.
(4) In the event that the request for interlocutory injunction is accepted, judge of the Commercial Court will issue a letter of interlocutory injunction.
(5) The interlocutory injunction as referred to in section (4) is notified to the parties subject to the interlocutory injunction within not later than 1x24 (one times twenty four) hours.
(6) In the event that the interlocutory injunction is rejected, the

Commercial Court judge will notify the rejection to the interlocutory injunction applicant with the reasons.

Article 109

(1) In the event that the Commercial Court issues the interlocutory injunction as referred to in Article 108 section (4), the Commercial Court will summon the party that is subject to the interlocutory injunction not later than 7 (seven) days since the date of the issuance of the interlocutory injunction for questioning.

(2) Party that is subject to the interlocutory injunction may submit information and evidence regarding the Copyright not later than 7 (seven) Days from the date of receipt of subpoena as referred to in section (1).

(3) Not later than 30 (thirty) Days since the date of issuance of the interlocutory injunction, the judge of the Commercial Court decides to affirm or annul the interlocutory injunction.

(4) In the event that the interlocutory injunction is affirmed, then:
   a. the bail that has been paid must be returned to the applicant of interlocutory injunction;
   b. the applicant may file a claim for damages due to Copyright infringement; and/or
   c. the applicant may report the Copyright infringement to the investigator officer of the National Police of the Republic of Indonesia or civil servant investigator.

(5) In the event that the interlocutory injunction is annulled, the bail that has been paid will be given to the party who is subject to the interlocutory injunction as compensation for damages resulting from the interlocutory injunction.

CHAPTER XVI

INVESTIGATION

Article 110

(1) In addition to investigating officials of the Indonesian National Police, certain Civil Servant Officials in ministries

who hold government affairs in the field of law specially authorized as investigators as referred to in the Law that regulates the criminal procedure to conduct investigations on Copyright and Related Rights crimes.

(2) The investigator as referred to in section (1) has authority to conduct:

a. verification on the accuracy of the reports or information in relation to criminal offenses in the field of Copyright and Related Rights;

b. examination to the persons or legal entities allegedly committing criminal offenses in the field of Copyright and Related Rights;

c. soliciting information and evidence from persons or legal entities in relation to criminal offenses in the field of Copyright and Related Rights;

d. examination of books, records and other documents relating to criminal offenses in field of Copyright and Related Rights;

e. searching and examination of premises that are alleged contain evidence, bookkeeping, records and other documents relating to criminal offenses in the field of Copyright and Related Rights;

f. confiscation and/or termination of circulation upon the permission of the court of materials and goods resulting from the offenses that may be used as evidence in a criminal case in the field of Copyright and Related Rights in accordance with the Code of Criminal Procedure;

g. request for expert deposition in performing the tasks of criminal investigations in the field of Copyright and Related Rights;

h. request for assistance from relevant institutions to arrests, detent, set a wanted list, prevent and deter against perpetrators of criminal offenses in the field of Copyright and Related Rights; and

i. termination of the investigation if there is no sufficient evidence of criminal activity in the field of Copyright and Related Rights.

(3) In conducting the investigation, the civil servant investigator officials may seek the assistance of the investigator officials of the Indonesian National Police.

(4) Civil servant investigator officials notify the commencement of the investigation to the public prosecutor and investigator officials of the Indonesian National Police.

(5) Results of investigations conducted by the civil service investigating officials are submitted to public prosecutors through the investigator officials of the Indonesian National Police.

(6) In the event of conducting actions as referred to in Section two (2) point e and point f the Civil Servant Investigator will seek the assistance of the investigator officials of the Indonesian National Police.

Article 111

(1) Evidence proceedings conducted in the course of the examination process at the level of investigation, prosecution, and examination in court may be conducted by utilizing information and communication technology in accordance with the provisions of laws and regulations.

(2) Electronic information and/or electronic documents are recognized as evidence in accordance with the provisions laws and regulations.

CHAPTER XVII
CRIMINAL PROVISIONS

Article 112

Every Person who unlawfully commits the acts as referred to in Article 7 Section (3) and/or Article 52 for Commercial Use shall be sentenced to imprisonment for up to 2 (two) years and/or a fines up to Rp300,000,000.00 (three hundred million rupiahs).

Article 113

(1) Every Person who unlawfully infringes the economic rights as referred to in Article 9 Section (1) point i for Commercial

Use shall be sentenced to imprisonment for up to 1 (one) year and/or fine up to Rp100,000,000 (one hundred million rupiahs).

(2) Every Person who unlawfully and/or without permission of the Author or the Copyright holder infringes the economic rights of the Author as referred to in Article 9 section (1) point c, point d, point f, and/or the point h for Commercial Use shall be sentenced to imprisonment for up to 3 (three) years and/or fine up to Rp500,000,000.00 (five hundred million rupiahs).

(3) Every person who unlawfully and/or without permission of the Author or Copyright holders infringes the economic rights of the Author as referred to in Article 9 Section (1) point a, point b, point e, and/or point g for Commercial Use shall be sentenced to imprisonment for up to 4 (four) years and/or fine up to Rp1,000,000,000.00 (one billion rupiahs).

(4) Every Person fulfilling the elements as referred to in section (3) by committing piracy, shall be sentenced to imprisonment for up to 10 (ten) years and/or fine up to Rp4,000,000,000.00 (four billion rupiahs).

Article 114

Every Person managing business premises in all its forms who deliberately and knowingly allows the sale and/or duplication of goods resulting from infringement of Copyright and/or Related Rights in the premises that they manage as referred to in Article 10 shall be sentenced with a maximum fine of Rp100,000,000.00 (one hundred million rupiahs).

Article 115

Every Person who without the consent of the person portrayed or their heirs engages in a Commercial Use, Duplication, Announcement, Distribution, or Communication of the Portrait as referred to in Article 12 for the purpose of advertising or publicity for Commercial Use both in electronic media and non-electronic media, shall be sentenced with a maximum fine of Rp500,000,000.00 (five hundred million rupiahs).

Article 116

(1) Every Person unlawfully infringes the economic rights as referred to in Article 23 section (2) point e for Commercial Use shall be sentenced to imprisonment for up to 1 (one) year and/or fine up to Rp100,000,000 (one hundred million rupiahs).

(2) Every Person unlawfully infringes the economic rights as referred to in Article 23 section (2) point a, point b, and/or point f, for Commercial Use shall be sentenced to imprisonment for up to 3 (three) years and/or fine up to Rp500,000,000.00 (five hundred million rupiahs).

(3) Every Person unlawfully infringes the economic rights as referred to in Article 23 section (2) point c and/or point d for Commercial Use shall be sentenced to imprisonment for up to 4 (four) years and/or fine up to Rp1,000,000,000.00 (one billion rupiahs).

(4) Every Person fulfilling the elements as referred to in section (3) by committing Piracy shall be sentenced to imprisonment for up to 10 (ten) years and/or fine for up to Rp4,000,000,000.00 (four billion rupiahs).

Article 117

(1) Every Person who deliberately and unlawfully infringes the economic rights as referred to in Article 24 section (2) point c for the Commercial Use shall be sentenced to imprisonment for up to 1 (one) year and/or fine up to Rp100,000,000 (one hundred million rupiahs).

(2) Every Person who deliberately and unlawfully infringes the economic rights as referred to in Article 24 section (2) point a, point b, and/or point d for the Commercial Use shall be sentenced to imprisonment for up to 4 (four) years and/or fine up to Rp1,000,000,000.00 (one billion rupiahs).

(3) Every Person fulfilling the elements as referred to in section (2) by committing Piracy shall be sentenced to imprisonment for up to 10 (ten) years and/or fine up to Rp4,000,000,000.00 (four billion rupiahs).

Article 118

(1) Every Person who deliberately and unlawfully infringes the economic rights as referred to in Article 25 section (2) point a, point b, point c and/or point d for Commercial Use shall be sentenced to imprisonment for up to 4 (four) years and/or fine up to Rp1,000,000,000.00 (one billion rupiahs).

(2) Every Person fulfilling the elements as referred to in Article 25 section (2) point d with the intention of committing Piracy shall be sentenced to imprisonment for up to 10 (ten) years and/or fine up to Rp4,000,000,000.00 (four billion rupiahs).

Article 119

Any Collective Management Organization without any operating permit from the Minister as referred to in Article 88 section (3) and engages in Royalty collection shall be sentenced to imprisonment for up to 4 (four) years and/or fine up to Rp1,000,000,000.00 (one billion rupiahs).

Article 120

The criminal offenses as referred to in this Law shall be warranty complaint.

CHAPTER XVIII

TRANSITIONAL PROVISIONS

Article 121

At the time this Law comes into force:

a. Pending application for recordation of Works and Related Rights products are to be completed under the provisions of Law Number 19 of 2002 on Copyrights;

b. certificate of Work registration under this Law is called a certificate of Work recordation that has been issued prior to this Law remains effective until the expiry of the protection period;

c. the sale and purchase agreement regarding economic rights to Works in the form of songs and/or music which is

reached before this Law, remains effective until the expiry of the agreement period;

d. Copyright cases that are in proceedings proceeds under Law Number 19 of 2002 on Copyrights;

e. the collection and Distribution of Royalties conducted by professional organizations or similar bodies by any name that have existed before the enactment of this Law may proceed until the establishment of the Collective Management Organization in accordance with the provisions of this Law;

f. professional organizations or any similar bodies by any name as referred to in point e, to the provisions as referred to in Article 87, Article 88 and Article 89 as from the enactment of this Law;

g. professional organizations or similar bodies by any name that have previously existed whose duty and function included collecting, managing, and/or distributing Royalties before the enactment of this Law adapt and transform into a Collective Management Organization within 2 (two) years since the enactment of this Law.

Article 122

At the time this Law comes into force, agreements on Works of books and/or other written work as well as songs and/or music with or without text transferred in sold flat agreements and/or unlimited time transfer that were made before the entry into force of this Law is reverted to the Author with the following conditions:

a. The Copyrights in sold flat agreements that at the time of the enactment of this Law have reached a period of 25 (twenty five) years reverted to the Author 2 (two) years since the entry into force of this Law;

b. The Copyrights in sold flat agreements that at the time of the enactment of this Law have not yet reached a period 25 (twenty five) years are reverted to the Author after reaching 25 (twenty five) years since the signing of the sold flat agreement plus 2 (two) years.

CHAPTER XIX
CLOSING PROVISIONS

Article 123

At the time this Law comes into force, all laws and regulations that are implementing regulations of Law Number 19 of 2002 on Copyrights (State Gazette of the Republic Indonesia of 2002 Number 85, Supplement to State Gazette of the Republic of Indonesia Number 4220), remains effective to the extent not contrary to the provisions of this Law.

Article 124

At the time this Law comes into force, Law Number 19 of 2002 on Copyrights (State Gazette of the Republic of Indonesia of 2002 Number 85, Supplement to State Gazette of the Republic of Indonesia Number 4220) is repealed and declared ineffective.

Article 125

Implementing regulations of this Law must be established not later than 2 (two) years since this Law is promulgated.

Article 126

This Law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta,
On 16 October 2014

PRESIDENT OF
THE REPUBLIC OF INDONESIA,

signed.

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta,
On 16 October 2014

MINISTER OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA,

signed

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2014 NUMBER 266

Jakarta, 12 September 2017
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,

WIDODO EKATJAHJANA

ELUCIDATION

OF

LAW OF THE REPUBLIC OF INDONESIA

NUMBER 28 OF 2014

ON

COPYRIGHTS

I. GENERAL

Copyright is part of intellectual property that has the most extensive scope of protected objects, because it includes scientific, artistic and literary works as well as computer programs. The development of creative economy which has become one of the mainstays of Indonesia and other countries and the rapid growth of information and communication technologies requires an update to the Copyright Law, due to the fact that Copyright has become the most important basis for the national creative economy. Under a Copyright Law that fulfills the elements of protection and development of the creative economy it is expected that the contribution of the Copyrights and Related Rights sector for the country's economy can be more optimal.

The progress of information and communication technology has become one of the variables in this Law on Copyrights, considering that information and communication technologies on the one hand have a strategic role for the development of Copyrights; but have also become a tool for violations against law in this field. Thus, proportional regulation is indispensable, in order to optimize positive functions and minimize the negative impacts.

The step taken by the House of Representatives of the Republic of Indonesia and the Government to change Law Number 19 of 2002 on Copyrights with this Law is an earnest effort by the State to protect the

Economic rights and moral rights of Authors and Related Rights owners as an important element in the development of national creativity. The denial of economic rights and moral rights can erode the motivation of Authors and Related Rights owners to be creative. Such loss of motivation will lead to a wide impact of the collapse of the macro creativity of the Indonesian nation. Reflecting on developed countries, one can see that adequate protection of Copyrights has successfully led to a significant growth of the creative economy and provided a real contribution to the economy and welfare of the people.

By taking into account the considerations that it is necessary to change the Copyright Law with a new one, which broadly regulates:

a. Copyright protections exercised with a longer period in line with the practice in various countries so that the period of Copyright protection in certain fields endures for life of the Author plus 70 (seventy) years after the Author's death.
b. Better protection of the economic rights of Authors and/or Related Rights owners, including limiting the transfer of economic rights in the form of sold flat (sold flat).
c. Effective dispute resolution through mediation, arbitration or the courts, as well as the application of a complaint offense for criminal prosecution.
d. Managers of trading premises who are responsible for the sales venue and/or violations of Copyright and/or Related Rights in the shopping centers that they manage.
e. Copyrights as a movable intangible objects that may be used as an object collateral of fiducia.
f. The Minister who is authorized to remove a Work that has been recorded, if the Work violates religious norms, norms of morality, public order, defense and security of the State, as well as provisions of laws and regulations.
g. Authors, Copyright Holders, Related Rights owners who become members of Collective Management Organization in order to be able to draw remuneration or Royalties.
h. Authors and/or Related Rights owners who receive Royalties for Works or Related Rights products produced in service relations and used commercially.

i. Collective Management Organizations that serve to collect and manage the economic rights of Authors and Related Rights owners are required to apply for an operating permit to the Minister.

j. Use of Copyright and Related Rights in multimedia facilities to respond the developments of information and communication technology.

At the international level, Indonesia has participated as a member of the Agreement Establishing the World Trade Organization that includes Trade Related Aspects of Intellectual Property Rights, hereinafter referred to as TRIPS, through Law Number 7 of 1994.

In addition, Indonesia has ratified the Berne Convention for the Protection of Artistic and Literary Works through Presidential Decree Number 18 of 1997 and the World Intellectual Property Organization Copyright Treaty, hereinafter referred to as WCT, through Presidential Decree Number 19 of 1997, as well as the World Intellectual Property Organization Performances and Phonograms Treaty, hereinafter referred to as WPPT, through Presidential Decree Number 74 of 2004.

The replacement of Law Number 19 of 2002 on Copyrights with this Law was made to prioritize national interests and the balance between the interests of Authors, Copyright Holders, or Related Rights owners, and the public as well as in consideration of provisions in treaties in the field of Copyrights and Related Rights.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

Sufficiently clear.

Article 4

The term "exclusive right" means right that is solely intended for the Author, accordingly no other party may take advantage of these

rights without the permission of the Author. Copyright holders who are not Authors only possess a portion of the exclusive rights in the form of economic rights.

Article 5

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

The term "distortion of Works" means the act of twisting facts or identity of the Works.

The term "mutilation of Works" means the process or act to eliminate part of the Works.

The term "modifications of Works" means a change to the Works.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Section (1)

Point a

Sufficiently clear.

Point b

Reproduction of Works includes recording using camcorder in a movie theater and live performance.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

point i

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Section (1)

Sufficiently clear.

Section (2)

The term "essential object" means computer software that is the main object of a rental agreement.

Article 12

Section (1)

The term "for advertising or publicity purposes" means the placement of a portrait including in advertisements, banners, billboards, calendars and pamphlets for commercial use.

Section (2)

Sufficiently clear.

Article 13

The term "unless stated otherwise or authorized by the Performers or rights holders of the performance" for example, a singer in a musical performance may object to have his portait taken for publication, distribution, or communication to the public by other party for commercial use.

Article 14

The term "competent authority" in this provision means, among others, ministries that hold government affairs in the field of communication and information, the Corruption Eradication Commission, or other law enforcement officials.

Article 15

Section (1)

The term "owner" in this provision means the person who lawfully controls the Works, such as, collectors or Copyright Holders.

Section (2)

Sufficiently clear.

Article 16

Section (1)

Sufficiently clear.

Section (2)

The term "may be transferred" means only economic rights, whereas moral rights remain inherent to the Author. The transfer of Copyright must be done clearly and in writing with or without a notary deed.

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

The term "other justifiable reasons in accordance with the provisions of laws and regulations" means, among others, a transfer due to a court decision that is final and binding, mergers, acquisitions, or dissolution of a company or a legal entity where a consolidation or separation of company assets take place.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

The term "other written works" means, among others, poetry anthology manuscript, general dictionary, and Daily public newspapers.

The term "sold flat" means an agreement that requires the Author to hand over his Work through a full payment by the purchaser so that the economic rights of the Works is entirely transferred to the purchaser without a time limit, or in the practice is known as sold flat.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Point a

Sufficiently clear.

Point b

The term "distortion of Works" means the act of twisting facts or identity of a Performer's work.

The term "mutilation of Works" means the process or act of eliminating a part of a Performer's work.

The term "modifications of Works" means the alteration to a Performer's work.

Article 23

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

The term "remuneration to the Author" means Royalty of which value is standardized by the Collective Management Organization.

Article 24

Section (1)

Sufficiently clear.

Section (2)

Point a

The term “by any manner or in any form” means, among others, transformation of the recording from a physical format (compact disc/video compact disc/digital video disc) into a digital format (MPEG-1 Audio Layer 3 (mp3), Waveform Audio Format (WAV), MPEG-1 Audio Layer 4 (mp4), or a transformation from a book into an audio book.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 25

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "distribution" means the utilization of broadcasting work which sources either from public, private, or subscription-based Broadcasting Agency for Commercial Use.

Article 26

Sufficiently clear.

Article 27

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "equitable remuneration" means remuneration that is determined in accordance with the prevailing norms as established by the Collective Management Organization.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

The term "under the direction and supervision" means under the guidance, direction, or correction of the Person who owns the design.

Article 35

Section (1)

The term "employment of civil service institution" means the employment relation between the State apparatus and their institution.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 36

The term "under employment relation or based on commissioned" means Works that are made on the basis of employment relation in a private institution or on the basis of orders of other parties.

Article 37

Sufficiently clear.

Article 38

Section (1)

The term "traditional cultural expressions" means one or a combination of the following forms of expression:

a. textual verbal, both oral and in writing, in the form of prose or poetry, in various themes and content of the message, which may be a literary work or an informative narrative;
b. music, including, among others, vocal, instrumental, or any combination thereof;
c. motion, including, among others, dance;
d. theater, including, among others, puppet shows and folk plays;
e. fine art, either in two-dimensional or three-dimensional form made of various kinds materials such as leather, wood, bamboo, metal, stone, ceramics, paper, textile, et cetera or a combination thereof; and
f. traditional ceremonies.

Section (2)

Sufficiently clear.

Section (3)

The term "values that live in the custodian practicing them" include customs, norms of customary law, customary norms, social norms, and other noble norms upheld by the community of origin that maintains, develops, and preserves the traditional cultural expressions.

Section (4)

Sufficiently clear.

Article 39

Section (1)

This provision is intended to affirm the status of Copyright in works where the Author is unknown and not yet published, for example, in the case of a manuscript that has not been published in the form of a book or a musical work that has not been recorded.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 40

Section (1)

Point a

The term "typholographical arrangement of a published written work " means a work that is commonly known as "typholographical arrangement", that is the artistic aspect in the composition and form of written work. This includes, among other, formats, ornament, color composition and arrangement or layout of aesthetic fonts that as a whole presents a unique form.

Point b

Sufficiently clear.

Point c

The term "visual aids" means Works in 2 (two) or 3 (three) dimensional form related to geography, topography, architecture, biology, or other sciences.

Point d

The term "songs or music with or without lyrics" means as a unity of Work as a whole.

Point e

Sufficiently clear.

Point f

The term "drawings" means, among others, motifs, diagrams, sketches, logos, colours elements and aesthetic fonts.

The term "collage" means an artistic composition made of various materials, for example, fabric, paper, or wood affixed to a sketch surface or work media.

Point g

The term "work of applied art" means a fine art work created by applying art to a product that has an aesthetic impression to fulfill practical needs, among others, the use of drawings, motifs, or ornament on a product.

Point h

The term "architectural works" means, among others, the physical form of building, building layout, construction design drawings, technical drawings of a building, and models or mockups of a building.

Point i

The term "maps" means a depiction of natural and/or man-made elements that are situated above or below the earth's surface that are depicted on a flat surface with a certain scale, both through digital and non-digital media.

Point j

The term "batik art works" means a contemporary batik motif that is innovative, contemporary, and not traditional. The work is protected because it has artistic value, in relation to the image, style, as well as color composition.

The term "other motif art work" means a motif that is the national heritage of Indonesia found in different regions, such as *songket* art, *ikat* motifs, *tapis* motifs, *ulos* motifs, and other motif art that is contemporary, innovative, and continues to be developed.

Point k

The term "photographic works" means all photographs produced by using camera.

Point l

Sufficiently clear.

Point m

The definition of "cinematographic works" means a Work in the form of moving images, including documentary films, advertising films, reportage or feature films made with a scenario, and cartoons. Cinematographic work may be made on celluloid tape, videotape, video discs, optical discs and/or other media that allow for screening in cinemas, on wide screen, television, or other media. Cinematography is an example of audiovisual form.

Point n

The term "anthologies" means a Work in the form of a book containing a compilation of selected written works, collection of selected songs, and composition of various selected dances recorded on cassette, optical disc, or other media.

The term "databases" means a compilation of data in any form that is readable by a computer or a compilation in any other form, which due to the selection or arrangement of the data content amounts to an intellectual creation. Protection for the database is granted without prejudice to the rights of the Author whose Work is included in the database.

The term "adaptations" means the transformation of a Work into another form. For example, a book adapted into a film.

The term "other work resulting from transformation" means to transform the format of a Work into another format. For example, pop music becoming *dangdut* music.

Point o

Sufficiently clear.

Point p

Sufficiently clear.

Point q

Sufficiently clear.

Point r

Sufficiently clear.

Point s

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 41

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The term "functional needs" means the human need for a tool, object, or a specific product that based on its shape has specific uses and functions.

Article 42

Sufficiently clear.

Article 43

Point a

Sufficiently clear.

Point b

The term "Any Publication, Distribution, Communication, and/or Reproduction which is conducted by or on behalf of the government" means, for example, Publication, Distribution, Communication, and/or any Reproduction done by or on behalf of the government with respect to the results of research conducted at State expenses.

Point c

The term "actual news" means news published or communicated to the public within 3x24 (three times twenty four) hours since it is first communicated to the public.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Article 44

Section (1)

The term "substantial part" means the most important and distinctive part that is the hallmark of a Work.

Point a

The term "reasonable interests of the Author or the Copyright Holder" means interests based on the balance in taking economic benefits of a Work.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Section (2)

The term "facilitating access to Works" means the provision of facilities to engage in the use, retrieval, Reproduction, format alteration, Publication, Distribution, and/or Communication of a Work in whole or its substantial part.

Section (3)

The term "based on considerations of technical implementation", means, for example, changes in land area that was insufficient, asymmetrical position, different material composition, and changes to the architectural form due to natural factors.

Section (4)

Sufficiently clear.

Article 45

Section (1)

Users (not Copyright Holders) of Computer Programs may make 1 (one) copy or adaptation of the computer program they own legally, for the research and development of the Computer Program or to be used as a backup solely for their personal use. The production of the backup copy is not considered as a Copyright infringement.

Section (2)

The destruction of a copy or adaptation of a Computer Program is intended to avoid unlawful use by other parties

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Section (1)

The term "temporary acts of Reproduction" means non-permanent addition to the quantity of a Work done by digital media, for example the reproduction of songs or music, books, drawings, and other work using a computer media either via intranet or internet that is then stored temporarily in a digital storage.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term "particular characteristics" means a record that contains documentaries, history, for state interests, or that which has exceeded its period of legal protection.

Article 50

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

The term "technological protection measures" means any technology, device, or component designed to prevent or restrict unautrorized acts by the Author, the Copyright Holder, the Related Rights owners, and/or those prohibited by laws and regulations.

Article 53

Section (1)

The term "information technology-based and/or high technology-based means of production and/or data storage" means, among others, optical discs, servers, cloud computing, secret codes, passwords, barcodes, serial numbers, description, decryption technology, and encryption that are used to protect a Work.

Section (2)

Sufficiently clear.

Article 54

Point a

The term "content" means the content of the Work result available in any media.

The form of dissemination of content includes, among others, uploading content over the internet.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Article 55

Section (1)

The term "Commercial Use" means in the information and communication technology media including direct (paid) commercial use as well as the provision of free content services that derive economic benefits from other parties who benefit from the use of the Copyright and/or Related Rights in question.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 56

Section (1)

The term "block the content and/or user's access rights" means 2 (two) things that include, firstly, blocking the contents or sites providing content services and, secondly, in the form of blocking the access of users to specific sites by way of blocking the internet protocol address or similar.

Section (2)

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Section (1)

Sufficiently clear.

Section (2)

The term "duration of economic rights protection commences from 1 January of the year following the event" means the provision as referred to in the TRIPs Agreement of Article 14 section (5).

For example, if a work is fixed on 30 October 2014 it immediately obtains legal protection and a period of 50 years commences from 1 January 2015.

Article 64

Section (1)

Sufficiently clear.

Section (2)

Recording of Works and Related Rights products is not a requirement for the Authors, Copyright Holders or Related Rights owners. The protection of a Work begins since the Work exists or is manifested and not due to its recordation. It means that a Work remains protected despite being recorded or not.

Article 65

Sufficiently clear.

Article 66

section (1)

Sufficiently clear.

Section (2)

Point a

A Work substitution or a Related Rights product substitution is a sample of the Work or Related Rights product that is attached because the Work or the Related Rights product is technically impossible to be attached to the Application, for example, a large statue that is replaced with a miniature or a photograph.

Point b

The term "a statement of ownership" means a statement of Copyright or Related Rights products ownership stating that the Work or Related Rights product genuinely belongs to the Author, Copyright holder or Related Rights owner.

Point c

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Section (1)

Sufficiently clear.

Section (2)

The term "other intellectual property objects" means a register contained in the mark register, the industrial design register, and the patent register.

Section (3)

Sufficiently clear.

Section (4)

This provision is intended to provide legal certainty for the applicant.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

The Minister is not responsible for the content, meaning, purpose, or the form of the Works or Related Rights products registered.

Article 73

Sufficiently clear.

Article 74

Sufficiently clear.

Article 75

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

Sufficiently clear.

Article 78

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Calculation and imposition of the Royalty amount need to consider elements that are the basis for calculating the Royalty amount, for example, the number of seats, number of rooms, room area, number of exemplars copied, in accordance with best practices.

Article 81

Sufficiently clear.

Article 82

Section (1)

Sufficiently clear.

Section (2)

The term "provisions of laws and regulations" means the Code of Civil Law and the Law governing the prohibition of monopolistic practices and unfair competition. These provisions are intended to protect Authors, Copyright Holders or Related Rights owners.

Section (3)

Sufficiently clear.

Article 83

Sufficiently clear.

Article 84

Sufficiently clear.

Article 85

Sufficiently clear.

Article 86

Sufficiently clear.

Article 87

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term "use of Works and/or Related Rights products" means Reproduction for the fair interests of users and Publication.

For example, digital reproduction of songs and/or music for the interests of karaoke bar, or the provision of songs and/or music on means of transportation.

Article 88

Sufficiently clear.

Article 89

Section (1)

point a

Sufficiently clear.

point b

The term "Related Rights owner in the field of songs and/or music" means Performers and Producers.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Sufficiently clear.

Article 92

Sufficiently clear.

Article 93

Sufficiently clear.

Article 94

Sufficiently clear.

Article 95

Section (1)

Forms of dispute related to Copyright includes disputes in the form of tort, License agreements, disputes regarding tariffs and collecting remuneration or Royalties.

The term "alternative dispute resolution" means the process of settling dispute by way of mediation, negotiation or conciliation.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 96

Sufficiently clear.

Article 97

Sufficiently clear.

Article 98

Sufficiently clear.

Article 99

Sufficiently clear.

Article 100

Sufficiently clear.

Article 101

Sufficiently clear.

Article 102

Section (1)

The term "only to an appeal to the Supreme Court" means there is no legal remedies of an appeal.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 103

Sufficiently clear.

Article 104

Sufficiently clear.

Article 105

Sufficiently clear.

Article 106

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

This provision is intended to prevent greater damages to the party of which rights are infringed; therefore, the judge of the Commercial Court is authorized to issue an interlocutory injunction to prevent the continued infringement and the introduction of products allegedly infringing Copyright and Related Rights into the trade channels, including exports and imports.

Article 107

Sufficiently clear.

Article 108

Sufficiently clear.

Article 109

Sufficiently clear.

Article 110

Sufficiently clear.

Article 111

Sufficiently clear.

Article 112

Sufficiently clear.

Article 113

Sufficiently clear.

Article 114

Sufficiently clear.

Article 115

Sufficiently clear.

Article 116

Sufficiently clear.

Article 117

Sufficiently clear.

Article 118

Sufficiently clear.

Article 119

Sufficiently clear.

Article 120

Sufficiently clear.

Article 121

Sufficiently clear.

Article 122

Sufficiently clear.

Article 123

Sufficiently clear.

Article 124

Sufficiently clear.

Article 125

Sufficiently clear.

Article 126

Sufficiently clear.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 5599