

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 19 YEAR 2002
REGARDING
COPYRIGHT

WITH THE MERCY OF GOD ALMIGHTY

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering:
- a. that Indonesia is a country which has diversity of ethnics/ tribes and culture as well as wealth in the field of arts and literatures which needs the protection of Copyright for the intellectual property originating from the diversity;
 - b. that Indonesia has become a member of several conventions/ international agreements in the field of intellectual property rights in general, and particularly in the field of Copyright, which needs further manifestation in its national legal system
 - c. that the development in the field of trade, industry, and investment has grown so rapidly so that it needs improvement on the protection for Authors and Owners of Related Rights by considering the interest of the public in general;
 - d. that by taking into account the experiences in implementing the existing Copyright Law, it is necessary to enact a new Copyright Law to replace Law no. 6 of 1982 on Copyright as amended by Law no. 7 of 1987, and lastly by Law no. 12 of 1997;
 - e. that based on the considerations mentioned in points a, b, c and d, Law on Copyright is needed .

- In view of:
1. Article 5 paragraph (1), Article 20 paragraph (1) and Article 28 C paragraph (1), and Article 33 of the Constitution of 1945;
 2. Law number 7 of 1994 regarding the Ratification of the Agreement Establishing the World Trade Organization, (State Gazette of 1994 no. 57, Supplementary State Gazette no. 3564);

With the approval of
THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC INDONESIA
DECIDES
to enact: LAW on COPYRIGHT

CHAPTER I
GENERAL PROVISIONS

Article 1

1. Copyright shall mean an exclusive right for an Author or the recipient of the right to publish or reproduce his Work or to grant permission for said purposes, without decreasing the limits according to the prevailing laws and regulations.

2. Author shall mean a person or several persons jointly upon whose inspiration a Work is produced, based on the intellectual ability, imagination, dexterity, skill or expertise manifested in a distinctive form and is of a personal nature.
3. Work shall mean any result of works of an Author, which shows originality in the field of science, arts and literature.
4. Copyright Holder shall mean the Author as the Owner of the Copyright, or any person who receives the right from the Author, or any other person who subsequently receives the right from the aforesaid person.
5. Publication shall mean the reading, broadcasting, exhibition, sale, distribution or dissemination of a Work, by utilising whatever means including the Internet, or by any manner so that such Work is capable of being read, heard or seen by any other person.
6. Reproduction means to increase the number of a Work, either as a whole or its substantial parts using either the same or different material, including the changing of the form or mode of a work permanently or temporarily.
7. Portrait shall mean any picture taken by whatever means and with whatsoever equipment portraying the face of a person together with or without other parts of the body.
8. Computer program shall mean a collection of instructions manifested in the form of a language, codes, diagrams, or any other forms, which when combined with media that can be read by computers will be able to make computers work to execute certain functions or to obtain specific results, including the preparation in designing the instructions.
9. Related Rights shall mean the rights which are related to Copyright, that is, the exclusive right for a Performer to reproduce or to broadcast his/her performances; for a Producer of Phonograms to reproduce or to rent phonographic works; and for a Broadcasting Organization to produce, reproduce, or to broadcast its broadcasting works.
10. Performer shall mean an actor/actress, singer, musician, dancer or a person who performs, acts, shows, sings, communicates, recites, or plays a music composition, drama, dance, literary work, folklore or other kinds of artistic works.
11. Producer of Phonogram shall mean a person or legal corporate body that first records and has the responsibility to conduct the recording of sounds or voices, both the recording from a performance and from other recording of sounds or voices.
12. Broadcasting Organisation shall mean an organization, which runs broadcasting in the form of a legal body that broadcasts a broadcasting work through wire or wireless transmissions or other electromagnetic systems.
13. Application shall mean an Application for registration of Copyright filed by an applicant at the Directorate General.
14. License shall mean a permission granted by the Copyright Holder or the Holder of Related Right to another party to announce and/or to reproduce his/her works or products of his/her Related Rights under certain requirements.
15. Proxy shall mean a consultant of intellectual property rights as provided for in this Law.
16. Minister shall mean the minister, whose scope of duties and responsibilities includes the guidance in the field of intellectual property rights, including Copyright.
17. Directorate General shall mean the Directorate General of Intellectual Property Rights under a department presided over by the Minister.

CHAPTER II SCOPE OF COPYRIGHT

Part One Function and Nature of Copyright

Article 2

- (1) Copyright shall mean the exclusive right of an Author or a Copyright Holder to publish or reproduce his/her work, which emerges automatically after the creation of the work without prejudice to restrictions pursuant to the prevailing laws and regulations.
- (2) An Author and/or a Copyright Holder of a cinematographic work and computer program shall have the right to give permission or to prevent any other person whom without his/her approval rents out the work concerned for commercial purposes.

Article 3

- (1) A Copyright shall be deemed to be a movable good.
- (2) A Copyright may move or be transferred either in whole or in part by:
 - a. inheritance;
 - b. donation;
 - c. testament;
 - d. written agreement; or
 - e. other reasons justified by laws and regulations.

Article 4

- (1) A Copyright that is owned by the Author and after the Author passed away becomes the property of his heirs or the recipient of his testament and may not be confiscated unless the right is obtained in a manner against the law.
- (2) A Copyright that is or has not been published after the Author passed away becomes the property of his heirs or the recipient of his testament and may not be confiscated unless the right is obtained in a manner against the law

Part Two

Author

Article 5

- (1) Unless proven otherwise, the person deemed to be the Author is:
 - a. the person whose name is registered in the General Register of Works at the Directorate General;
or
 - b. the person whose name is mentioned in a Work or published as the Author of a Work.
- (2) Unless proven otherwise, the person giving a lecture shall be deemed to be the Author of a lecture that is not written and for which there is no notification of the identity of the Author.

Article 6

If a Work consists of several separate parts that were created by two or more persons, the person deemed to be the Author shall be the one who led and supervised the completion of the entire Work, or if there is no such person, the person who compiled them, without prejudice to individual Copyright to parts of the Work.

Article 7

If a Work designed by someone is realised and worked out by other persons under his guidance and supervision, the Author shall be the person who has designed the Work.

Article 8

- (1) If a work is made within an official service for another person in the scope of employment, the Copyright Holder shall be the party for whom and whose service the work was made, unless there has been another arrangement between the two parties, without prejudice to the right of the author if the use of the work is expanded beyond the official service.
- (2) The provision as referred to in paragraph (1) shall also apply to any work made by another party based on an order, which is carried out within an official relationship.
- (3) If a work is made within the scope of employment or based on an order, the party who create such a work shall be deemed as the Author and the Copyright Holder, unless otherwise agreed by the two parties.

Article 9

If a legal entity announces that a work has originated from it without mentioning a person as the author, then the legal entity shall be deemed to be the author, unless proven otherwise.

Part Three

Copyright to Works of Unknown Authors

Article 10

- (1) The State shall hold the Copyright for works from prehistoric remains, historical and other national cultural objects.
- (2) The State shall hold the Copyright for folklores and works of popular culture that are commonly owned, such as stories, legends, folk tales, epics, songs, handicrafts, choreography, dances, calligraphies and other artistic works.
- (3) To publish or reproduce the works as referred to in paragraph (2), any person who is not the citizen of Indonesia shall, firstly, seek permission from the institution related to the matter.
- (4) Further provisions regarding Copyright that are held by the State, as referred to in this Article, shall be regulated by Government Regulation.

Article 11

- (1) If the Author of a work is unknown and the work has not been published, the State shall hold the Copyright on such a work for the interest of the Author.
- (2) If a work has been published and the Author of which is unknown or the name printed on such work is only a pseudonym, the publisher shall hold the Copyright on the work for the interest of the Author.
- (3) If a work has been published and the Author and/or the publisher of which are unknown, the State shall hold the Copyright on such a work for the interest of the Author.

Part Four

Works Protected under Copyright

Article 12

- (1) In this Law, a work that is protected shall be the work in the field of science, arts and literature which includes:
 - a. books, computer programs, pamphlets, typographical arrangement of published works, and all other written works;
 - b. sermons, lectures, addresses and other works of utterance;
 - c. visual aid made for educational and scientific purposes;
 - d. songs or music with or without lyrics;

- e. dramas, musical dramas, dances, choreographic works, puppet shows, pantomimes;
 - f. all forms of art, such as paintings, drawings, engravings, calligraphy, carvings, sculptures, collage, and applied arts;
 - g. architecture;
 - h. maps;
 - i. batik art;
 - j. photography;
 - k. cinematographic works;
 - l. translations, interpretations, adaptations, anthologies, data-base and other works as a result of changing of form of mode.
- (2) Works as referred to in item l are protected as a work of its own without prejudice to the Copyright over the original work.
- (3) The protection as referred to in paragraphs (1) and (2) includes all works that are not or have not yet been published but have already been in an obvious form, which would enable its reproduction.

Article 13

There shall be no copyright to:

- a. any result of open meetings of state institutions;
- b. laws and regulations;
- c. state addresses or government official speeches;
- d. court decisions and judicial orders; or
- e. decisions of arbitration boards or of other similar agencies.

Part Five

Copyright Restrictions

Article 14

There shall be no infringement of Copyright for:

- a. publication and/or reproduction of the symbol of the State and the national anthem in accordance with their original nature;
- b. publication and/or reproduction of anything which is published by or on behalf of the Government, except if the Copyright is declared to be protected by law or regulation or by a statement on the work itself or at the time the work is published; or
- c. repetition, either in whole or in part, of news from a news agency, broadcasting organization, and newspaper or any other resources, provided that the source thereof shall be fully cited.

Article 15

Provided that the sources are fully cited, the following shall not be deemed as Copyright infringement:

- a. the use of a work of another party for the purpose of education, research, scientific thesis, report writing, criticising or reviewing an issue, provided that it does not prejudice the normal interest of the Author;
- b. the excerpt of a work of another party, in whole or in part, for the purposes of advocacy within or outside the court;
- c. the excerpt of a work of another party, in whole or in part, for the purposes of:
 - (i) lecturers of which the purpose is solely for education and science; or

- (ii) free-of-charge exhibitions or performances, provided that they do not prejudice the normal interests of the Author.
- d. reproduction of a scientific, artistic and literary work in Braille for the purposes of the blind, unless such reproduction is of a commercial purpose;
- e. limited reproduction of a work other than computer program limitedly by using any means whatsoever or by employing a similar process by a public library, scientific or educational institution and documentation centre of non-commercial nature, solely for the purpose of conducting their activities;
- f. modification of any architectural works, such as building construction, based on consideration of technical implementation;
- g. making of a back-up copy of a computer program by the owner of the computer solely for his own use.

Article 16

- (1) For the interests of education, science, and research and development activities, upon a work in the field of science and literature, the Minister, after hearing the considerations of the Copyright Council may:
 - a. obligate the Copyright Holder to himself carry out the translation and/or reproduction of such work in the territory of the Republic of Indonesia within a stipulated period of time;
 - b. obligate the Copyright Holder concerned to grant a license to other parties to translate and/or to reproduce such work in the territory of the Republic of Indonesia within a stipulated period of time, where the Copyright Holder concerned does not himself carry out the obligations as referred to in item a;
 - c. designate other parties to carry out the translation and/or reproduction of such work, where the Copyright Holder does not carry out the obligations as referred to in item b.
- (2) The obligation to translate as referred to in paragraph (1) shall be carried out after the termination of a period of 3 (three) years as of the publication of the work in the field of science and literature, as long as the work has not been translated into the Indonesian language.
- (3) The obligation to reproduce as referred to in paragraph (1) shall be carried out after the termination of the period of:
 - a. 3 (three) years as of the publication of books in the field of mathematics and natural sciences and the books have never been reproduced in the territory of the Republic of Indonesia;
 - b. 5 (five) years as of the publication of books in the field of social sciences and the books have never been reproduced in the territory of the Republic of Indonesia;
 - c. 7 (seven) years as of the publication of books in the field of arts and literature and the books have never been reproduced in the territory of the Republic of Indonesia;
- (4) The translation or reproduction as referred to in paragraph (1) shall only be used within the territory of the Republic of Indonesia and shall not be exported into the territory of other countries.
- (5) The implementation of the provisions as paragraph (1) letter b and letter c shall be accompanied by the granting of a fee the amount of which shall be stipulated by Presidential Decree.
- (6) Provisions regarding the procedure of filing a request to translate and/or to reproduce as referred to in paragraphs (1), (2), (3), and (4) shall be further regulated in Presidential Decree.

Article 17

The Government, after hearing the considerations from the Copyright Council, shall prohibit the publication of any work which is contrary to government policy in the field of religion, defence and state security, morals and public order.

Article 18

- (1) The publication of a work by the Government through a radio, television broadcast and/or other means for the interests of the State may be carried out without having to request permission from the Copyright Holder, provided that the publication does not prejudice the normal interest of the Copyright Holder and a reasonable compensation is given to the Copyright Holder.

- (2) The broadcasting organization which publishes the work referred to in paragraph (1) shall have the authority to preserve the work solely for its own, provided that for subsequent broadcasts such broadcasting organization shall give a reasonable compensation to the Copyright Holder concerned.

Part Six

Copyright on Portraits

Article 19

- (1) The Copyright Holder of a portrait of a person must obtain the prior permission of the person portrayed to reproduce or to publish his work, or the permission of that person's heirs during the period of 10 (ten) years after the death of the person portrayed.
- (2) If a portrait contains two or more persons, the Copyright Holder must obtain the permission of each person in the portrait to reproduce or to publish each one portrayed, if the publication or reproduction also contains other people in the portrait, or the permission of each such person's heirs during the period of 10 (ten) years after the death of the persons portrayed.
- (3) This Article shall only be applicable to a portrait which is made:
 - a. at the request of the person portrayed;
 - b. upon a request made on behalf of the person portrayed;
 - c. in the interest of the person portrayed.

Article 20

The Copyright Holder on a portrait shall not be allowed to publish the portrait, which was taken:

- a. without the consent of the person portrayed;
- b. without the consent of another person on behalf of the person portrayed; or
- c. not for the interest of the person portrayed,

if the publication is contrary to the normal interest of the person portrayed, or if that person has died, the normal interest of one of his heirs.

Article 21

Photographing in order to publicise one or more performers in a public performance, even though commercial in nature, shall not be deemed to be an infringement of Copyright, except if it is stated otherwise by the person concerned.

Article 22

For the interest of public security and/or for the purposes of the criminal justice process, a portrait of a person in any condition what so ever, may be reproduced and published by the competent agency.

Article 23

Unless agreed otherwise between the Copyright Holder and the Owner of a creative work in the form of a photograph, painting, drawing, architecture, sculpture and/or other artworks, the owner shall be entitled to without the consent of the Copyright Holder to display the work in a public exhibition or to reproduce it in a catalogue, without detracting from the provisions of Article 19 and Article 20 if said work of art is in the form of a portrait.

Part Seven
Moral Rights

Article 24

- (1) An Author or his heir shall be entitled to require the Copyright Holder to attach the name of the Author on his work.
- (2) It is forbidden to make changes to a Work although the Copyright has been transferred to another party, except with the consent of the Author or his heir if the Author has been deceased.
- (3) The provisions referred to in paragraph (2) shall also be applicable to changes in the title and subtitle of a work, inclusion and changes in the name or pseudonym of the Author.
- (4) The Author shall remain entitled to make changes to his Work in accordance with social propriety.

Article 25

- (1) The electronic information regarding the right management information of an Author shall not be omitted or changed.
- (2) Further provisions as referred to in paragraph (1) shall be regulated in Government Regulation.

Article 26

- (1) The Copyright of a Work shall remain in the hands of the Author as long as the entire Copyright is not transferred to the purchaser of the Work.
- (2) A Copyright which is sold in whole or in parts may not be sold again in whole or in parts by the same seller.
- (3) Where disputes arise between the purchasers of the same Copyright of a Work, the protection shall be granted to the purchaser who first obtained the Copyright.

Part Eight
Technological Control Measures

Article 27

Except with the permission of the Author, the technological control measures to safeguard the right of the Author shall not be damaged, destroyed or made malfunction.

Article 28

- (1) Any works that use high-technology production facilities, especially in the field of optical discs shall fulfil all licence regulations and all production requirements as provided for by the authorized agencies.
- (2) Further provisions regarding high-technology production facilities which produce optical discs as provided for in paragraph (1) shall be regulated in Government Regulation

CHAPTER III
COPYRIGHT VALIDITY

Article 29

- (1) The Copyright on:
 - a. books, pamphlets, and all other written works;
 - b. dramas, musical dramas, dances, choreographic works;

- c. all forms of arts, such as paintings, engravings, sculptures;
- d. batik arts;
- e. songs or music with or without lyrics;
- f. architecture;
- g. sermons, lectures, addresses and other works of utterance;
- h. visual aids for educational and scientific purposes;
- i. maps;
- j. translations, interpretations, adaptations, anthologies

shall be valid for the life of the Author and 50 (fifty) years after his death.

- (2) When a Work as referred to in paragraph (1) is jointly owned by 2 (two) persons or more, the Copyright shall be valid for the life of the longest surviving Author and shall continue until 50 (fifty) years after the death of the said longest surviving Author.

Article 30

- (1) The Copyright on:

- a. computer programs;
- b. cinematographic works;
- c. photographic works;
- d. data-bases; and
- e. works resulting from adaptations

shall be valid for 50 (fifty) years as of the first publication.

- (2) The Copyright on typographical arrangement of a published work shall be valid for 50 (fifty) years as of the first publication of the Work.
- (3) The Copyright on works as referred to in paragraphs (1) and (2) of this article, and Article 29 paragraph (1) which are owned or held by a legal body, shall be valid for 50 (fifty) years as of from the first publication.

Article 31

- (1) The Copyright on works which are held or exercised by the State, pursuant to:

- a. Article 10 paragraph (2), shall be valid without any time limit;
- b. Article 11 paragraph (1) and paragraph (3) shall be valid for 50 (fifty) years as of the first time the work is known to the public.

- (2) The Copyright on works which are exercised by publishers pursuant to Article 11 paragraph (2) shall be valid for 50 (fifty) years as of the first publication.

Article 32

- (1) The period of validity of a Copyright to a work that is published part by part shall be computed from the date of publication of the final part.
- (2) In determining the period of validity of a copyright to a work consisting of 2 (two) or more volumes, likewise summaries and news published periodically and not at the same time, each of the volume or summary and news shall be respectively deemed to be a separate work.

Article 33

The term of protection for the right of an Author as referred to in:

- a. Article 24 paragraph (1) shall be without any time limit;

- b. Article 24 paragraphs (2) and (3) shall be for the period of Copyright on the work concerned, except for the mentioning and changing of name or pseudonym of the Author.

Article 34

Without prejudice to the right of an Author on the term of Copyright protection which is computed from the date of a work comes into existence, the computation of the term of protection on the work which enjoys a protection for:

- a. 50 (fifty) years;
- b. the life time of the Author and 50 (fifty) years after his death

shall be computed from 1 January of the following year after the work concerned has been published, or the work has become known by the public, or after the decease of the Author.

CHAPTER IV REGISTRATION OF WORKS

Article 35

- (1) The Directorate General shall administer the registration of works and record the works in the General Register of Works.
- (2) The General Register of Works can be seen by anyone without any payment of fee.
- (3) Any person may obtain for his own use an excerpt of the General Register of Works with the payment of fee.
- (4) Provisions regarding the registration as referred to in paragraph (1) shall not be an obligation to obtain a Copyright.

Article 36

The registration of a work in the General Register of Works shall not be construed to mean a validation of the content, meaning or form of a registered work.

Article 37

- (1) The registration of a work in the General Register of Works shall be conducted on the basis of an application submitted by the Author or proxy.
- (2) An application for registration of a work shall be filed at the Directorate General in two copies written in the Indonesian language and furnished with a sample of the work or its substitute with the payment of fee.
- (3) Upon the application as referred to in paragraph (1), the Directorate General shall produce a decision at the latest 9 (nine) months computed from the date such application is received completely.
- (4) The proxy as referred to in paragraph (1) shall a consultant who is registered at the Directorate General.
- (5) Provisions regarding the requirements and procedure to be elected and registered as a consultant as referred in paragraph (4) shall be further regulated in Government Regulation.
- (6) Further provisions regarding the requirements and procedure of filing an application shall be stipulated by a Presidential Decree.

Article 38

When an application for registration of a work is filed on behalf of more than one person or legal entities that are jointly entitled to the work, the application shall be furnished with an official copy of the written explanation or deed evidencing said fact.

Article 39

The General Register of Works shall include, among others:

- a. Name of the Author and Copyright Holder;
- b. the date of receipt of the application;
- c. the date of completion of the requirements in accordance with Article 37; and
- d. the number of registration of the work.

Article 40

- (1) The registration of a work shall be deemed to have been made at the time the Directorate General received the complete application in accordance with Article 37 or the complete application in accordance with Articles 37 and 38 if the application is filed by more than one person or entities as referred to in Article 38.
- (2) The registration as referred to in paragraph (1) shall be announced by the Directorate General in the Official Gazette of Works.

Article 41

- (1) The transfer of right to the registration of a work, which is registered according to Article 39 and under one number, shall only be permitted if the right to the entirely registered is transferred to the recipient of the right.
- (2) The transfer of right shall be recorded in the General Register of Works upon a written request of both parties or the recipient of the right upon the payment of fee.
- (3) The recording of transfer of right shall be announced by the Directorate General in the Official Gazette of Works.

Article 42

When an application is registered in accordance with Article 37 paragraphs (1) and (2), and Article 39, the party who according to Article 2 is entitled to the Copyright may file a request for cancellation to the Commercial Court.

Article 43

- (1) Any changes in the name and/or address of a person or legal entity whose name is recorded in the General Register of Works as the author or the Copyright Holder shall be recorded in the General Register of Works upon a written request of the Author or the Copyright Holder with the payment of fee.
- (2) The change of name and/or address shall be announced by the Directorate General in the Official Gazette of Works.

Article 44

The legal force of the registration of a work shall become void due to:

- a. the cancellation upon the request of a person or legal entity whose name is recorded as the Author or the Copyright Holder;
- b. expiry, as referred to in Article 29, Article 30, and Article 31 in view of Articles 32;
- c. invalidation by a court decision which is final and legally binding.

CHAPTER V

LICENSE

Article 45

- (1) The Copyright Holder shall have the right to give a license to another party based on a licensing agreement to carry out the acts as referred to in Article 2.
- (2) Unless otherwise agreed, the scope of licence as referred to in paragraph (1) shall cover all acts as referred to in Article 2 for a period of the licensing agreement and is exercisable within the entire territory of the Republic of Indonesia.
- (3) Unless otherwise agreed, the implementation of acts as referred to in Article (1) and (2) shall be accompanied by the obligation to pay royalty to the Copyright Holder by the licensee.
- (4) The amount of royalty, which has to be paid by the licensee to the Copyright Holder shall be based on the agreement between the two parties by using the agreement of professional organization as a guide.

Article 46

Unless otherwise agreed, the Copyright Holder shall reserve the right to exercise or to give further licences to other third parties to carry out acts as referred to in Article 2.

Article 47

- (1) A licensing agreement shall not contain any clauses, which may cause detrimental effect on the economy of Indonesia or to contain any clauses, which cause unfair business competition as provided for in the prevailing laws and regulations.
- (2) In order to have legal consequences against a third party, a licensing agreement shall be recorded at the Directorate General.
- (3) The Directorate General shall refuse any request for the recording of a licensing agreement, which contains clauses as referred to in paragraph (1).
- (4) Further provisions regarding the recording of licensing agreements shall be regulated in Presidential Decree.

CHAPTER VI

COPYRIGHT COUNCIL

Article 48

- (1) In order to assist the Government in providing public information and guidance as well as the promotion of Copyright, a Copyright Council shall be established.
- (2) The membership of the Copyright Council shall consist of representatives of the government, representatives from professional organisations, and members of the public who have the competence in the field of Copyright, and shall be appointed and dismissed by the President upon the suggestion of the Minister.
- (3) Further provisions regarding the duties, functions, structure, working procedures, financing and time of service of the Copyright Council shall be in Government Regulation.
- (4) The expenses of the Copyright Council as referred to in paragraph (3) shall be borne by the expenditure budget of the ministry, which is responsible for the supervision of intellectual property rights.

CHAPTER VII
RELATED RIGHTS

Article 49

- (1) A Performer shall have the exclusive right to give consent to or prevent another person who without his consent makes, reproduces or broadcasts a phonogram and/or a visual picture of his performance.
- (2) A Producer of Phonogram shall have the exclusive right to give consent or to prevent any other person who without his consent reproduces and/or rents phonographic works or sound recording.
- (3) A Broadcasting Organisation shall have the exclusive right to give consent or to prevent any other person who without his consent makes, reproduces, and/or rebroadcasts its broadcasting works through transmission with or without wire, or through any other electromagnetic system.

Article 50

- (1) The term of protection for:
 - a. a Performer shall be valid for 50 (fifty) years after the work is performed or fixed in audio or audiovisual media;
 - b. a Producer of Phonogram shall be valid for 50 (fifty) years after the work is fixed.
 - c. a Broadcasting Organisation shall be valid for 20 (twenty) years after the work is broadcast for the first time.
- (2) The computation of the term of protection as referred to in paragraph (1) shall be from 1 January of the following year after:
 - a. a performance is performed or fixed in audio or audiovisual media;
 - b. a phonographic work is fixed;
 - c. a broadcasting work is broadcast for the first time.

Article 51

Provisions as referred to in Article 3, Article 4, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 14 items b and c, Article 15, Article 17, Article 18, Article 24, Article 25, Article 26, Article 27, Article 28, Article 35, Article 36, Article 37, Article 38, Article 39, Article 40, Article 41, Article 42, Article 43, Article 44, Article 45, Article 46, Article 47, Article 48, Article 52, Article 53, Article 54, Article 55, Article 56, Article 57, Article 58, Article 59, Article 60, Article 61, Article 62, Article 63, Article 64, Article 65, Article 66, Article 68, Article 69, Article 70, Article 71, Article 74, Article 75, Article 76, Article 77 shall apply *mutatis mutandis* to Related Rights.

CHAPTER VIII
ADMINISTRATION OF COPYRIGHT

Article 52

The Directorate General shall conduct the administration of Copyright as regulated under this Law.

Article 53

The Directorate General shall administer a national Copyright documentation system and information network capable of providing information to the public regarding Copyright as widely as possible.

CHAPTER IX

FEES

Article 54

- (1) A fee, the amount of which shall be regulated by Government Regulation, shall be paid upon the filing of an Application, a request for excerpt of the General Register of Works, a request for the recording of the transfer of Copyright, a request for the recording of changes of name and/or address, a request for the recording of a licensing agreement, a request for the recording of a compulsory license, and other matters regulated in this Law.
- (2) Further provisions regarding the requirements, periods and methods of payment of fees as referred to in paragraph (1) shall be regulated by Presidential Decree.
- (3) The Directorate General with the approval from the Minister and the Minister of Finance may use the income originating from the fees as referred to in paragraph (1) and (2) in accordance with the prevailing laws and regulations.

CHAPTER X

SETTLEMENT OF DISPUTES

Article 55

The submission of Copyright on the entirety of a work to any other party shall not abridge the right of the Author or his heirs to bring a lawsuit against those who without his consent:

- a. deletes the name of the Author which is attached to the work;
- b. attaches the name of the Author to the work;
- c. changes or replaces the title of the work; or
- d. changes the content of a work.

Article 56

- (1) The Copyright Holder shall be entitled to bring a lawsuit for damages to the Commercial Court against an infringement on his Copyright and request confiscation on the goods published or the results of reproduction of the work.
- (2) The Copyright Holder shall also be entitled to request to the Commercial Court to issue an order for the delivery of all or parts of income generating from the organization of lectures, scientific meetings, performances or exhibitions of works which resulted from the infringement of Copyright.
- (3) Before issuing a final decision and in order to prevent greater loss to the party whose right has been infringed, the judge may order the infringer to stop any activities of publishing and/or reproducing of works or goods which resulted from the infringement of Copyright.

Article 57

The right of the Copyright Holder as referred to in Article 56 shall not apply to any work which is in the hand of a party who has good intention in obtaining the work solely for his own need and not using it for any commercial purposes and/or any interests related to commercial activities.

Article 58

The Author of a work or his heir may bring a lawsuit for damages against any infringement as referred to in Article 24.

Article 59

The lawsuit as referred to in Article 55, Article 56, and Article 58 shall be given a decision within a period of 90 (ninety) days as of it is filed at the relevant Commercial Court.

Article 60

- (1) A lawsuit against infringement of Copyright shall be filed and addressed to Head of the Commercial Court.
- (2) The Clerk of the Court shall register the lawsuit as referred to in paragraph (1) on the date it is filed and produce a written receipt signed by the competent authority and given the same date with the date of filing of the lawsuit, to the plaintiff.
- (3) The Clerk of the Court shall submit the lawsuit to Head of the Commercial Court at the latest 2 (two) days from the date the lawsuit is filed.
- (4) Within the period of 3 (three) days at the latest from the date the lawsuit is filed, the Commercial Court shall study the lawsuit and determine the date for a hearing.
- (5) The examination hearing of a lawsuit shall be commenced within the period of 60 (sixty) days from the date the lawsuit is filed.

Article 61

- (1) The confiscation clerk¹ shall summon the relevant parties at the latest 7 (seven) days from the date the lawsuit is filed.
- (2) A decision on the lawsuit shall be made at the latest 90 (ninety) days from the date the lawsuit is filed and can be extended for 30 (thirty) days at the latest, with the approval of Chief Justice of the Supreme Court.
- (3) The decision on a lawsuit as referred to in paragraph (2), which contains a complete legal reasoning as the basis of the decision, shall be stated in a court session which is open to the public, and when requested, the decision can be directly implemented although a legal effort is being filed against the decision.
- (4) The Clerk of the Commercial Court shall forward the decision to the relevant parties at the latest 14 (fourteen) days as of the date on which the decision is made.

Article 62

- (1) Upon the decision of the Commercial Court as referred to in Article 61 paragraph (4) may only be filed a *cassation*
- (2) The request for a *cassation* as referred to in paragraph (1) shall be made at the latest 14 (fourteen) days after the date on which the decision was made and delivered to the relevant parties, and file the request to the Court that has made a decision of the lawsuit.
- (3) The Clerk of the Court shall register the request for a *cassation* on the date it is filed and issue a written receipt, which is signed by him on the same date with the registration date, to the Applicant of the *cassation*.

Article 63

- (1) The Applicant for a *cassation* shall submit the brief for the *cassation* to the Clerk of the Court within a period of 14 (fourteen) days commencing from the date of filing of request for a *cassation* as referred to in Article 62 paragraph (2).
- (2) The Clerk of the Court shall deliver the request for a *cassation* and the brief for the *cassation* as referred to in paragraph (1) to the defendant of the *cassation* at the latest 7 (seven) days after the brief is submitted.
- (3) The defendant of the *cassation* may submit a counter against the *cassation* to the Clerk of the Court at the latest 14 (fourteen) days after the date the defendant received the brief for *cassation* as referred to in paragraph (2), and the Clerk of the Court shall deliver the counter against the *cassation* to the Applicant of the *cassation* at the latest 7 (seven) days after he received the said counter.
- (4) The Clerk of the Court shall deliver the documents of the *cassation* to the Supreme Court at the latest 14 (fourteen) days after the termination of the period as referred to in paragraph (3).

¹ Bahasa Indonesia : *juru sita*

Article 64

- (1) The Supreme Court shall study the documents of the *cassation* and determine the date for a hearing at the latest 7 (seven) days after the request for *cassation* was received.
- (2) The examination hearing on the request for *cassation* shall be conducted at the latest 60 (sixty) days after the date on which the Supreme Court received the request.
- (3) A decision on the *cassation* shall be made at the latest 90 (ninety) days after the date on which the Supreme Court received the request.
- (4) The decision on a *cassation* as referred to in paragraph (3) that contains a complete legal reasoning as the basis of the decision shall be stated in a court session that is open to the public.
- (5) The Clerk of the Supreme Court shall deliver the decision of *cassation* to the Clerk of the Commercial Court at the latest 7 (seven) days after the decision was made.
- (6) The confiscation clerk of the Court shall deliver the decision of the *cassation* as referred to in paragraph (5) to the Applicant of the *cassation* and the defendant of the *cassation* at the latest 7 (seven) days after the decision was received.

Article 65

In addition to the settlement of dispute as referred to in Article 55 and Article 56, the parties concerned may settle their dispute by means of arbitration or an alternative dispute resolution.

Article 66

The right to bring lawsuit as referred to in Article 55, Article 56, and Article 65 shall not abridge the right of the State to bring criminal lawsuit on infringement of Copyright.

CHAPTER XI

PROVISIONAL DECISION² BY THE COURT

Article 67

Upon a request from the party who might have suffered a loss, the Commercial Court may immediately issue a provisional decision that is effective:

- a. to prevent the continuation of infringement on Copyright, particularly to prevent the entry of products allegedly infringing the Copyright or Related Rights into the trade channel, including importation;
- b. to keep the evidence relating the infringement of Copyright or Related Rights in order to prevent the elimination of evidence;
- c. to request the party who might have suffered a loss to provide evidence that the party is truly entitled to the Copyright or Related Rights and that such rights are being infringed.

Article 68

Where a provisional decision by the Court has been issued, the parties concerned shall be notified thereof, including the right to be heard for parties affected by the decision.

Article 69

- (1) In the event the judge at the Commercial Court has issued a provisional decision, he shall decide whether to amend, cancel or reaffirm the decision as referred to in Article 67 items a and b within the period of 30 (thirty) days at the latest as of the date of issuance of the relevant provisional decision.
- (2) If within the period of 30 (thirty) days the judge has not implemented the provisions as referred to in paragraph (1), the provisional decision of the court shall not have any legal force.

² Bahasa Indonesia = *Penetapan Sementara oleh Pengadilan*

Article 70

In the event a provisional decision is cancelled, the party who might have suffered a loss may file a claim to the party that requested the decision for damages he incurred due to the decision.

CHAPTER XII INVESTIGATION

Article 71

- (1) In addition to investigating officers at the State Police of the Republic of Indonesia, certain civil servants within the ministry whose scope of duties and responsibilities include the supervision of intellectual property rights shall be granted special authority as investigators referred to in Act No. 8 of 1981 on Criminal Proceedings, to conduct investigations on criminal offences in the field of Copyright.
- (2) The civil servant investigator referred to in paragraph (1) shall be authorised
 - a. to conduct examination of the truth of reports or information relating to criminal offences in the field of Copyright;
 - b. to conduct examination of a person or legal entity suspected of committing criminal offences in the field of Copyright;
 - c. to collect information from persons or legal entities in connection with criminal offences in the field of Copyright;
 - d. to conduct examination of the books, records and other documents relating to criminal offences in the field of Copyright;
 - e. to inspect locations on which evidence, books, records, and other documents to be found;
 - f. to confiscate, by working together with the police, materials and goods resulting from infringements which can be used as evidence in the criminal trials in the field of Copyright;
 - g. to request expert assistance in the scope of carrying out the duties of investigation of criminal offences in the field of Copyright.
- (3) The civil servant investigator referred to in paragraph (1) shall inform the investigating officers at the State Police of the Republic of Indonesia about the initiation and the result of an investigation, in accordance with Law No. 8 of 1981 on Criminal Proceedings.

CHAPTER XIII CRIMINAL PROVISIONS

Article 72

- (1) Any person who deliberately and without right conducts any acts as referred to in Article 2 paragraph (1) or Article 49 paragraphs (1) and (2) shall be sentenced to imprisonment of at least 1 (one) month and/or a fine of at least Rp. 1,000,000.- (one million rupiahs) or imprisonment of at most 7 (seven) years and/or a fine of at most Rp. 5,000,000,000.- (five billion rupiahs)
- (2) Any person who deliberately broadcasts, exhibits, distributes, or sells to the public a work or goods resulting from an infringement of copyright or related rights as referred to in paragraph (1) shall be sentenced to imprisonment of at most 5 (five) years and/or a fine of at most Rp. 500,000,000.- (five hundred million rupiahs).
- (3) Any person who deliberately and without reproduce the use of a computer program for commercial purposes shall be sentenced to imprisonment of at most 5 (five) years and/or a fine of at most Rp. 500,000,000.- (five hundred million rupiahs).
- (4) Any person who deliberately violates the provisions of Article 17 shall be sentenced to imprisonment of at most 5 (five) years and/or a fine of at most Rp. 1,000,000,000.- (one billion rupiahs).
- (5) Any person who deliberately violates the provisions of Article 19, Article 20 or Article 49 paragraph (3) shall be sentenced to imprisonment of at most 2 (two) years and/ or a fine of at most Rp. 150,000,000.- (one hundred and fifty million rupiahs).

- (6) Any person who deliberately and without rights violates the provisions of Article 24 or Article 55 shall be sentenced to imprisonment of at most 2 (two) years and/ or a fine of at most Rp. 150,000,000.- (one hundred and fifty million rupiahs).
- (7) Any person who deliberately and without rights violates the provisions of Article 25 shall be sentenced to imprisonment of at most 2 (two) years and/ or a fine of at most Rp. 150,000,000.- (one hundred and fifty million rupiahs).
- (8) Any person who deliberately and without rights violates the provisions of Article 27 shall be sentenced to imprisonment of at most 2 (two) years and/ or a fine of at most Rp. 150,000,000.- (one hundred and fifty million rupiahs).
- (9) Any person who deliberately violates the provisions of Article 28 shall be sentenced to imprisonment of at most 5 (five) years and/ or a fine of at most Rp. 1,500,000,000.- (one billion and five hundred million rupiahs).

Article 73

- (1) A work or goods resulting from any criminal actions of Copyright or Related Rights, including the tools used to conduct the actions shall be seized for the State to be destroyed;
- (2) The work as referred to in paragraph (1) in the field of art and unique in nature can be considered not to be destroyed.

CHAPTER XIV TRANSITIONAL PROVISIONS

Article 74

With the effect of this Law, all regulations in the field of Copyright that have existed on the date of effect of this Law shall continue to be valid, provided that they are not contradictory with this Law or they have not been replaced with new ones based on this Law.

Article 75

Upon the Letters of Copyright Registration, which have been issued by the Directorate General based on Law no. 6 of 1982 regarding Copyright as amended by Law no. 7 of 1987 and lastly by Law no. 12 of 1997 and are still valid on the date of enactment of this Law shall be declared to be valid for the rest of the protection period.

CHAPTER XV CLOSING PROVISIONS

Article 76

This Law shall apply to

- a. all works of any Indonesian citizens, residents, and legal entities;
- b. all works of any non-Indonesian citizens, non-Indonesian residents and non-Indonesian legal entities that are published for the first time in Indonesia;
- c. all works of any non-Indonesian citizens, non-Indonesian residents and non-Indonesian legal entities, provided that:
 - (i) their country has bilateral agreements on the protection of Copyright with the Republic of Indonesia;
 - (ii) their country and the Republic of Indonesia are parties or member countries of the same multilateral agreement on the protection of Copyright.

Article 77

Upon the effectiveness of this Law, Law no. 6 of 1982 regarding Copyright as amended by Law no. 7 of 1987 and lastly by Law no. 12 of 1997 shall be declared to no longer be valid.

Article 78

This Law shall take effect 12 (twelve) months from the date of its enactment.

In order that every person may know of it, the promulgation of this Law is ordered by placement in the Official State Gazette of the Republic of Indonesia.

Ratified in Jakarta

On July 29, 2002

PRESIDENT OF THE REPUBLIC OF INDONESIA

(signed)

MEGAWATI SOEKARNOPUTRI

Promulgated in Jakarta

On July 29, 2002

STATE SECRETARY OF THE REPUBLIC OF INDONESIA

(signed)

BAMBANG KESOWO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2002 NUMBER 85