



DIREKTORAT JENDERAL  
KEKAYAAN INTELEKTUAL  
KEMENTERIAN HUKUM & HAM R.I.

# UPDATES ON THE NATIONAL LEGISLATION AND INITIATIVES ON COPYRIGHTS PROTECTION IN INDONESIA

Directorate Of Copyright And Industrial Design  
Directorate General Of Intellectual Property  
Ministry Of Law And Human Rights Of The Republic Of Indonesia  
2023



# INTERNATIONAL REGULATIONS

## Konvensi Berne (1886)

Indonesia has ratified the Bern Convention with Presidential Decree Number 18 of 1997.

## Persetujuan Trade Related Aspects of Intellectual Property Rights (TRIPs)

Indonesia has become a member of the World Trade Organization (WTO) which was ratified through Law Number 7 of 1994.

## WIPO Copyright Treaty (1996)

Indonesia has ratified it through Presidential Decree Number 19 of 1997.

## World Intellectual Property Organization Performances and Phonogram Treaty (1996)

Indonesia has ratified it with Presidential Decree Number 74 of 2004

## Audiovisual Performance Treaty (Beijing Treaty 2012)

This treaty has been ratified by Indonesia with Presidential Regulation Number 2 of 2020

## Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled

This treaty has been ratified by Indonesia with Presidential Regulation Number 1 of 2020.



# HISTORY OF REGULATIONS RELATED TO COPYRIGHT IN INDONESIA

- *Auteurswet 1912 Staatsblad Number 600 of 1912*
- *Law of the Republic of Indonesia Number 6 of 1982*
- *Law of the Republic of Indonesia Number 7 of 1987*
- *Law of the Republic of Indonesia Number 12 of 1997*
- *Law of the Republic of Indonesia Number 19 of 2002*
- *Law of the Republic of Indonesia Number 28 of 2014*





# **COPYRIGHT PROTECTION REGULATIONS UNDER**

- ❑ Government Regulation Of The Republic of Indonesia Number 36 of 2018 concerning the Recording of Intellectual Property License Agreements;
- ❑ Government Regulation Of The Republic of Indonesia Number 27 of 2019 concerning Facilitating Access to Creations for Persons with Disabilities in Reading and Using Braille, Audio Books, and Other Facilities
- ❑ Government Regulation Of The Republic of Indonesia Number 16 of 2020 concerning Registration of Copy Rights and Related Rights Products;
- ❑ Government Regulation Of The Republic of Indonesia Number 56 of 2021 concerning Management of Royalties in the Field of Music and Songs.
- ❑ Joint Regulation of the Minister of Law and Human Rights of the Republic of Indonesia and the Minister of Communication and Information of the Republic of Indonesia Number 14 of 2015 Number 26 of 2015 concerning Implementation of Closure of Content and/or User Access Rights for Violations of Copyright and/or Related Rights in Electronic Systems
- ❑ Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 36 of 2018 concerning Procedures for Application and Issuance of Operational Permits and Evaluation of Collective Management Institutions;
- ❑ Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2022 concerning Implementing Regulations of Government Regulation Number 56 of 2021 concerning Management of Song and/or Music Copyright Royalties

# COPYRIGHT PROTECTION

Copyright Law Number 28 Year 2014 contains provisions on:

- ➔ Term of protection author's life+70 years
- ➔ More specified provisions concerning Moral Rights and Economic Rights of Author.
- ➔ More detailed provisions on Related Rights which are rights of performers, phonogram producers, and Broadcasting Organizations
- ➔ CMO provision
- ➔ Landlord Liability provision (mall, shopping centres)
- ➔ Block websites containing content that violates the copyright
- ➔ Deterrent effect on criminal sanction
- ➔ Right Management Information/RMI
- ➔ Technological Protection Measures/TPMs
- ➔ Provisions concerning with Beijing Treaty and Marakkesh Treaty.





# REGULATIONS RELATED WITH ROYALTY MANAGERMENTS



- Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 36 of 2018 concerning Procedures for Application and Issuance of Operational Permits and Evaluation of Collective Management Institutions
- Government Regulation Of The Republic of Indonesia Number 56 of 2021 concerning Management of Royalties in the Field of Music and Songs;
- Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2022 concerning Implementing Regulations of Government Regulation Number 56 of 2021 concerning Management of Song and/or Music Copyright Royalties

# REGULATIONS RELATED WITH DIGITAL PROTECTION



Joint Regulation of the Minister of Law and Human Rights of the Republic of Indonesia and the Minister of Communication and Information of the Republic of Indonesia Number 14 of 2015 Number 26 of 2015 concerning Implementation of Closure of Content and/or User Access Rights for Violations of Copyright and/or Related Rights in Electronic Systems



# GOVERNMENT REGULATION NUMBER 56 YEAR 2021 ON MANAGEMENT OF COPYRIGHT ROYALTY OF SONGS AND/OR MUSIC.

The regulation is to reinforce the protection of economic rights of Authors/copyright holders and related rights' owners.

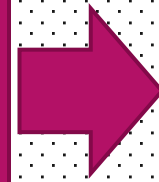
The implementation of Economic Rights of Authors/Copyright Holders and Related Rights Owners (Performers and Phonogram Producers) which is stipulated under the provision of Article 9, Article 23, and Article 24 of Copyright Law Number 28 of 2014.

This Government Regulation is a form of support and protection for Authors, Performers, and phonogram Producers. Paying their royalties would raise their welfare to continue their works in music and improve the music industry. We have made music as part of our lives; therefore, keep on supporting royalty payment so that authors and singers can produce their works for us to enjoy. Enjoy the music and understand the law.

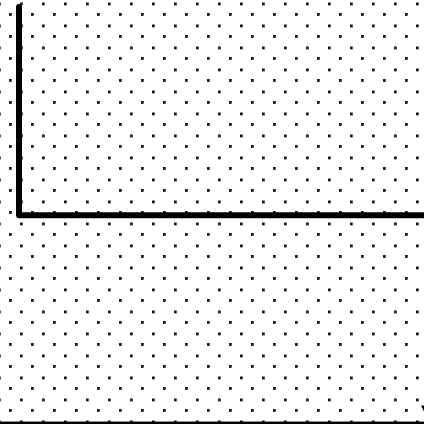
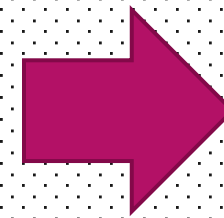


### Economic Rights

- Music Author/Copyright Holders
- Performers
- phonogram producers



The Public For  
Commercial Purposes  
(Analog And Digital  
Forms)

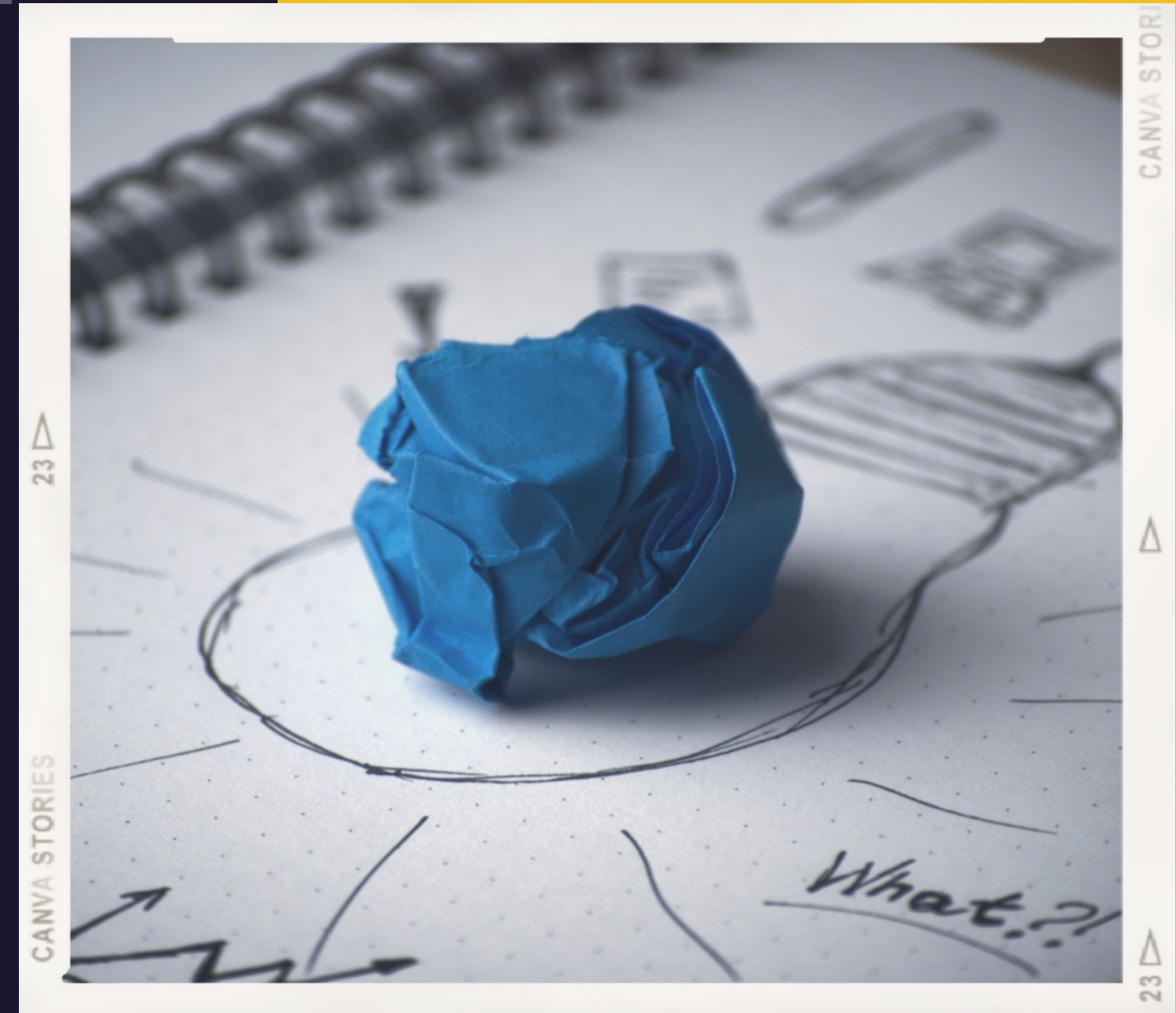


- Use of services made available to the public for commercial purposes for Authors or Copyright Holders includes performance of Works; publication of Works; and communication of Works
- Use of services made available to the public for commercial purposes for performers includes broadcasting and/or communication of performer's performance.
- Use of services made available to the public for commercial purposes for phonogram producers includes making available the phonograms, by wire or wireless means, so that accessible to the public.



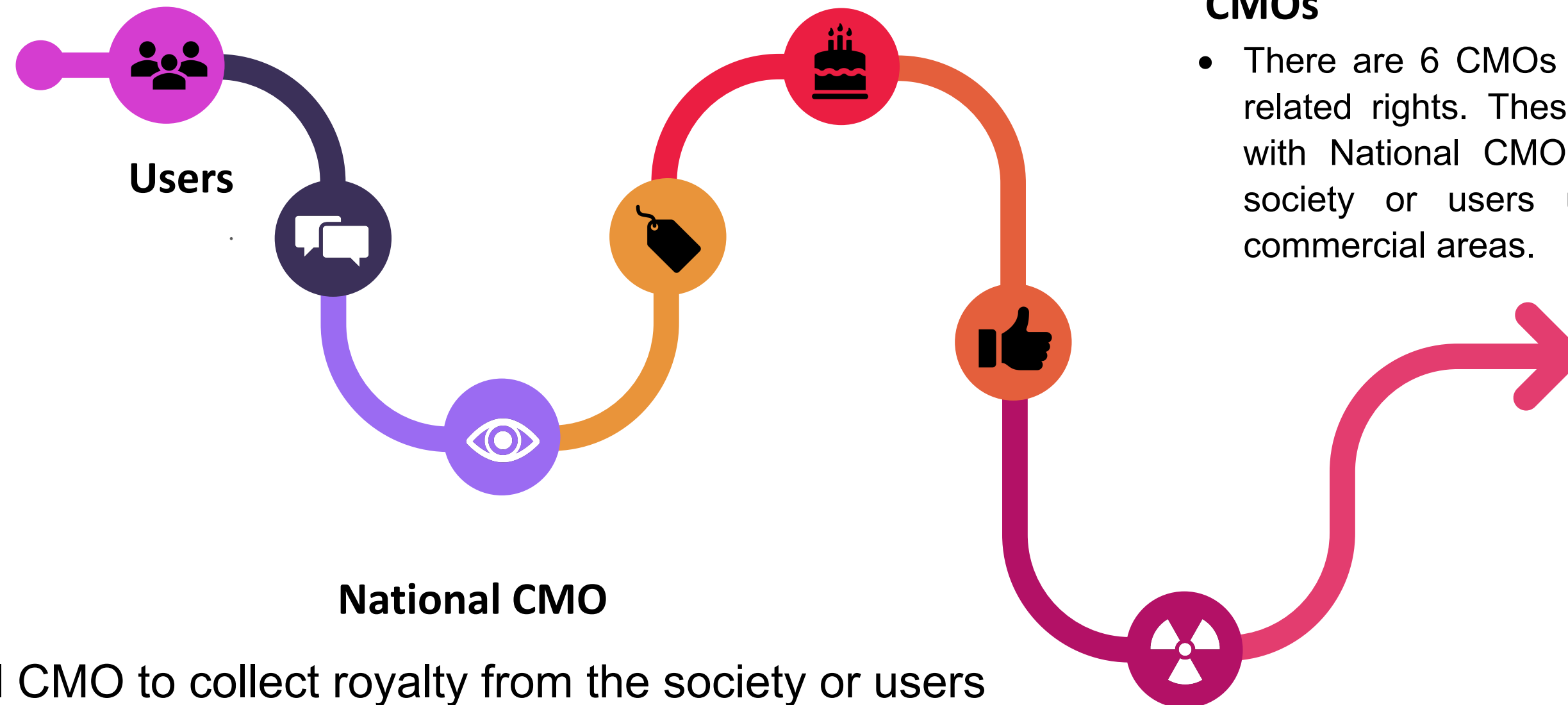
# COMMERCIAL PUBLIC SERVICES

- a. commercial seminars and conferences;
- b. restaurants, cafes, pubs, bars, bistros, nightclubs and discos;
- c. music concert;
- d. airplanes, buses, trains and ships;
- e. exhibitions and bazaars
- f. cinema;
- g. telephone waiting tone;
- h. banks and offices;
- i. shops;
- j. recreation center;
- k. television broadcasting institutions;
- l. radio broadcasting institutions;
- m. hotels, hotel rooms, and hotel facilities; And karaoke business.





# ROYALTY DISTRIBUTION PROCESS



National CMO to collect royalty from the society or users using the music works in commercial areas

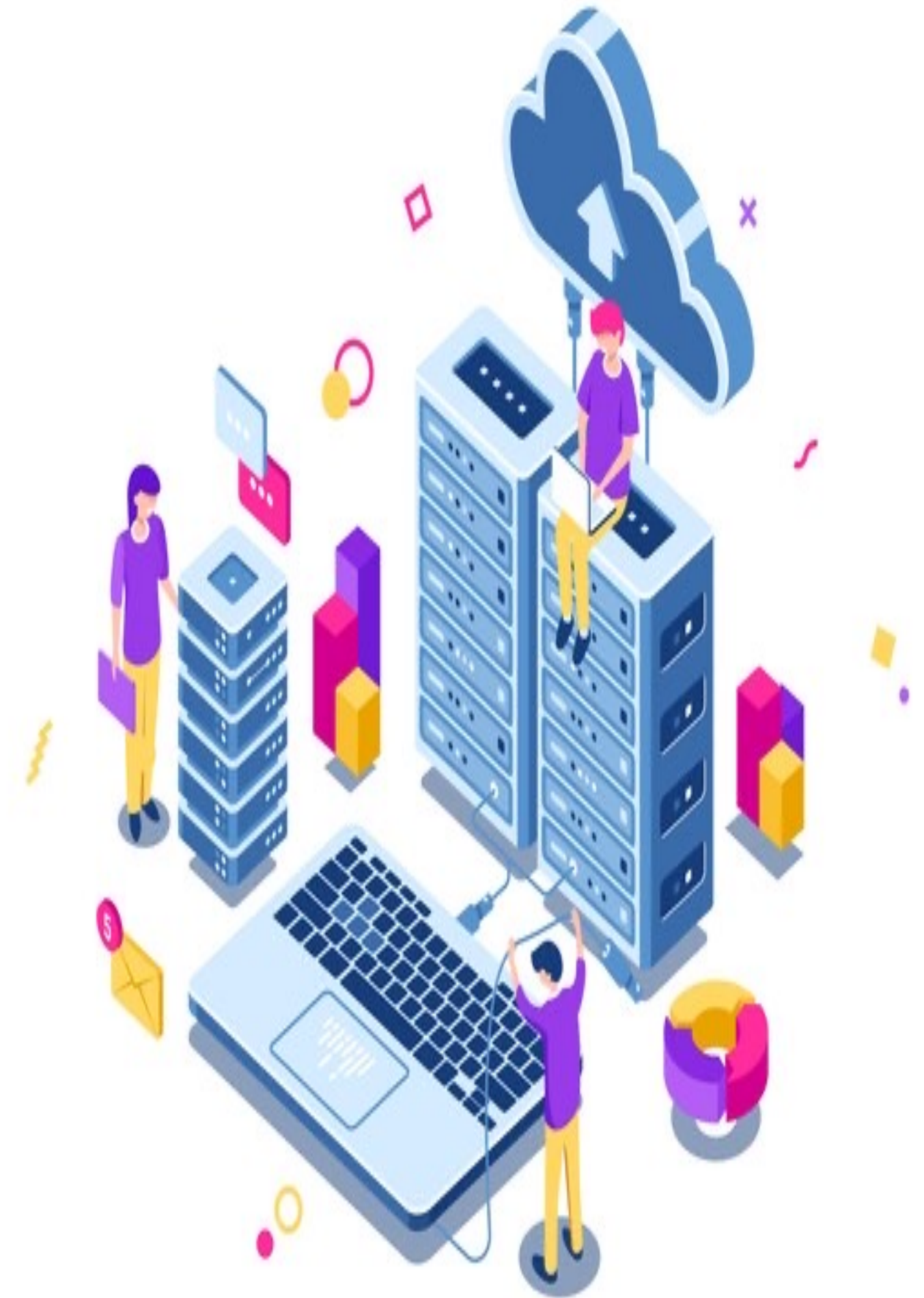
## CMOs

- There are 6 CMOs of copyright and 9 CMOs of related rights. These CMOs are in coordination with National CMO to collect royalty from the society or users using the music works in commercial areas.

After receiving the revenues, CMOs will then distribute it to their members based on the use,

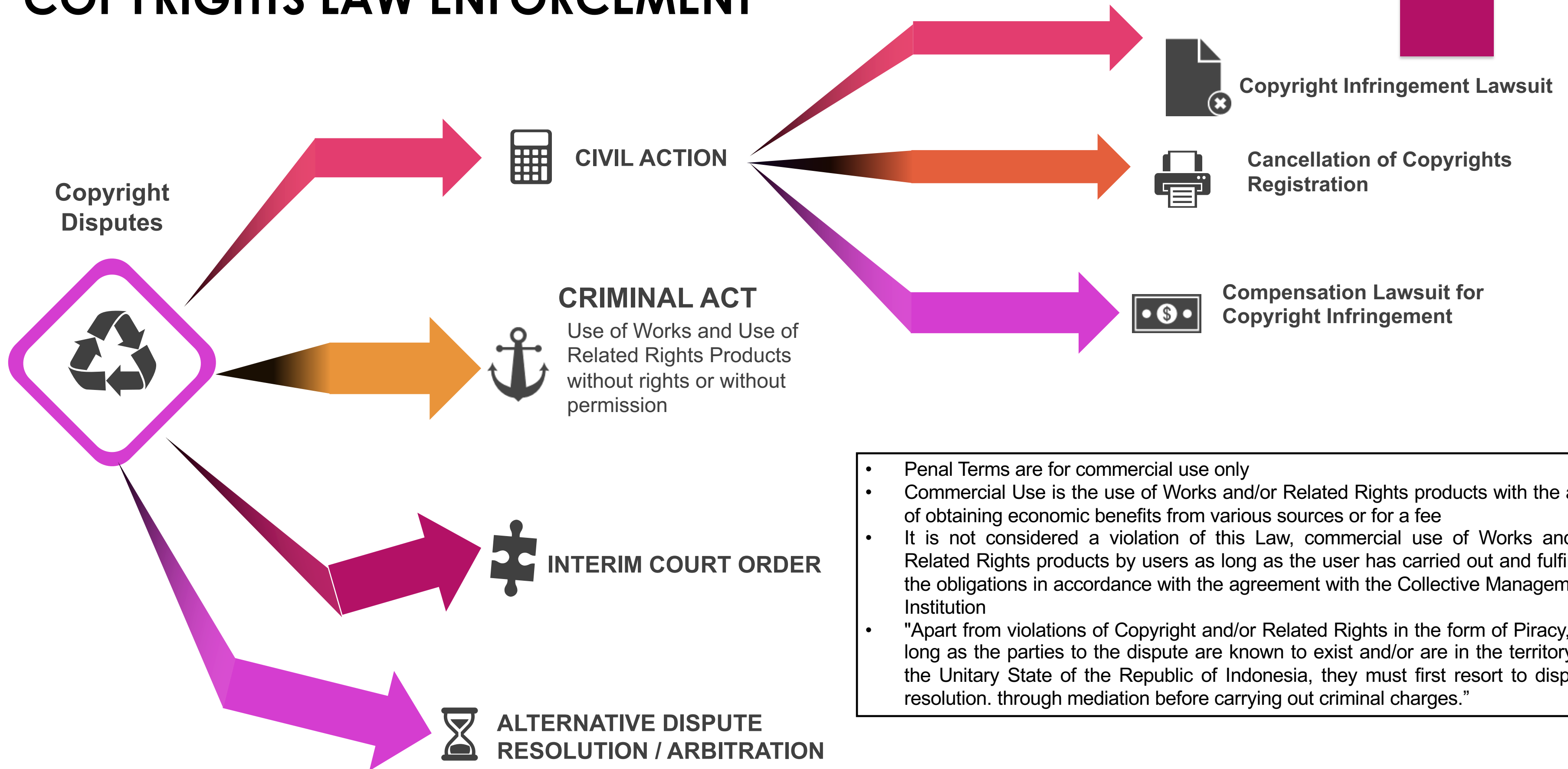
# Music Data Center

- The songs and/or music data center is managed by the Directorate General Of Intellectual Property
- The songs and/or music data center is accessible to:
  - National CMOs as the ground for Royalty Management; and
  - Author, Copyright Owner, Related Rights owner, and/or his Proxy, as well as a Person engaging in Commercial Use to obtain information on songs and/or music in recordation.





# COPYRIGHTS LAW ENFORCEMENT



# INITIATIVES ON COPYRIGHTS PROTECTION



PREPARING THE DRAFT OF  
MINISTERIAL REGULATION ON THE  
MECHANISM OF ROYALTY  
COLLECTION FOR LITERARY WORKS.



DRAFT GOVERNMENT  
REGULATION ON MUSIC  
LICENSES



ENFORCEMENT OF  
COPYRIGHT INFRINGEMENT  
IN MARKETPLACE



ARTIFICIAL INTELLIGENCE  
AND COPYRIGHT  
PROTECTION



# THANK YOU



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