



WIPO-BCC 27th Advanced Training Seminar on Copyright and Related Rights

Country Report

INDONESIA

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COUNTRY REPORT

1. **Name** : Retno Kusuma Dewi Mirnawati
Name of Country : Indonesia

2. **Copyright and Related Rights Legislation**
 - a. First National Copyright law is enacted in 1982 by Law of the Republic of Indonesia Number 6 of 1982 regarding Copyright.
 - b. Indonesia has amended the copyright law again in 1997 by Law of the Republic of Indonesia No.12 of 1997.
 - c. After several amendment, Indonesia has a Copyright law in 2014 by Law of the Republic of Indonesia No.28 of 2014 regarding Copyright. Indonesia already has completed of IPR legislation which has been harmonized to TRIPs and international treaties or conventions.
 - d. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 26 of 2015 concerning Procedures for Application and Issuance of Operational Permits and Evaluation of Collective Management Institutions.
 - e. The government of Indonesia ammended Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 36 of 2018 concerning Procedures for Application and Issuance of Operational Permits and Evaluation of Collective Management Institutions.

3. **Membership of Convention, Treaties and Agreements**
 1. Indonesia has ratified several international conventions on copyright which are:
 - Berne Convention for the Protection of Literary and Artistic Works has been ratified by the Presidential Decree Number 18 Year 1997 on 7 May 1997,

- WIPO Copyright Treaty has been ratified by the Presidential Decree Number 19 Year 1997
- WIPO Performances and Phonogram Treaty 1996 has been ratified by the Presidential Decree Number 74 Year 2004.
- Indonesia has signed Beijing Treaty on Audio-visual Performances (BTAP) in WIPO Headquarter in Geneva, Switzerland on 18 December 2012, and on 24 September 2013 has signed *Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled* (Marrakesh Treaty). Both treaties are still in the process of ratification.

A. Indonesia become member of Bern Convention for the Protection of Literary and Artistic Works in 1997 by Decree of President of the Republic of Indonesia Number 18.

It has been implemented on Law of The Republic of Indonesia Number 28 of 2014 on Copyrights.

The law is regulate:

1. Copyrights and related rights (article 2)
2. Copyrights are exclusive rights comprising moral rights and economic rights (article 4).
3. Economic rights are the exclusive right of the author or the copyright holder in order to gain economic benefits from the works. (article 8)
4. The Author or the Copyright holder as referred to in Article 8 has the economic rights to engage in:

Publication of the works, Reproduction of the works in all its forms; Translation of the works; Adaptation, arrangement, or transformation of the works; Distribution of the works or their copies; Performance of the works; Publication of works; Communication of the works; and Rental of works.

5. Protected works which include scientific, artistic, and literary works, comprise:
 - a. Books, pamphlets, typographical arrangement of published written work, and all other written works; Talks, lectures, speeches, and other similar works; Visual aids made educational and scientific purposes; Songs and/or music with or without lyrics; Dramatic works, musical dramas, dances, choreography, puppet shows, pantomimes; Fine art works in any form such as paintings, drawings, engravings, calligraphy, carvings, sculptures, or collage; Applied art works; Architectural works; Maps; Batik art works or other patterns art; endures for a term consisting of the life of the author and 70 (seventy) years after the Author's death.
 - b. Photographic works; Portraits; Cinematographic works; Translation, interpretations, alterations, anthologies, databases, adaptation, arrangement, transformation, or modification and other works resulting from transformation; Translation, adaptation, arrangement, transformation, or modification of traditional cultural expressions; Compilation of works or data, whether in a readable format by computer program or by other media; Compilation of traditional cultural expressions as long as the

compilation constitutes an original work; Video games; and Computer programs; endures for 50 (fifty) years since the first publication, but for copyright protection for works of applied art endures for 25 (twenty years since the first publication

- B. Indonesia become member of WCT in 1997 by Decree of President of the Republic of Indonesia Number 19 . In February 2005,
- C. Indonesia joined the WIPO Performances and Phonograms Treaty (WPPT) legalized by President's Decree No. 74 Year 2004.

Indonesia has signed Beijing Treaty on Audivisual Performances on Desember 18, 2012 in Jenewa. Now we will ratifie Beijing Treaty on Audivisual Performances and Marrakesh Treaty.

- a. The provisions of audiovisual has been implemented in Law of The Republic of Indonesia Number 28 of 2014 on Copyrights, are:
 - 1. Article 1: definitions of performers, audiovisual fixation, broadcasting, communication to the public
 - 2. Article 22: moral rights
 - 3. Article 23: Economic rights of performers in their Unfixed performances, right of reproduction, right of distribution, right of rental, right of making available of fixed performances, and right of broadcasting and communication to the public.
 - 4. Article 29 and 30: Transfer of right
 - 5. Article 44: Limitation and exceptions, and term of protection
- D. The provisions of Visually Impaired Persons Treaty 2013 or Marrakesh Treaty has been implemented on Article 44:

“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.”

Further provisions are administered in Government Regulation Number 27 of 2019 on Facilitate Access.

4. The Name of Government Department

- a. Name : Directorate General of Intellectual Property
Ministry of Law and Human Rights
- b. Representative Officer : Director General (Freddy Harris)
- c. Address : Jl. H. R. Rasuna Raid Kav. 8-9, Kuningan, Jakarta
- d. Homepage : <http://www.dgip.go.id>

5. The name of Collective Management Organization

National CMO is to coordinate existed CMOs in the field of music and/or song so that it comes to unite under one system of collection and royalty distribution from users to authors, copyright holders and related rights owners. It purposes using one door and one system of royalty collection and distribution will guarantee legal certainty as well as easiness in making royalty payment for the use of copyrighted works and related rights. Simplification in making payment is expected to enhance the royalty takings and furthermore, it will benefit the authors, copyright holders, and related rights.

- Yayasan Karya Cipta Indonesia (YKCI) is a non profit organization for the copyright protection and administration of the Indonesian music composers, authors and publisher. KCI collected royalty from performing rights based on trust agreements from copyrights holders (majority of KCI members are lyric writers, composers and music publishers in Indonesia). KCI also manages domestic and international musical copyrights under agreements with copyright societies of various countries around the world.
- Persatuan Artis Pencipta Lagu dan Penata Musik Rekaman Indonesia (*Indonesian Society of Singers, Composers and Arrangers*), PAPPRI aims to protect the rights of its members To promote unity by way of the universal language, music for Indonesia.
- Wahana Music Indonesia is a non profit organization for the copyright protection and administration of the Indonesian music composers, authors and publisher. WAMI collected royalty from performing rights based on trust agreements from copyrights holders (majority of WAMI members are lyric writers, composers and music publishers in Indonesia).
- Perkumpulan Reproduksi Cipta Buku Indonesia (Indonesia Reproduction Rights Organization) is a non profit organization for the copyright protection and administration of the Indonesian Book authors and Book publisher. PRCI collected royalty from Books based on trust agreements from authors.
- Asosiasi Industri Rekaman Video Indonesia (ASIREVI), ASIREVI is a non profit organization for the copyright protection and administration of the Indonesian film video recording.