

**LAW OF THE REPUBLIC OF INDONESIA
NUMBER 19 OF 2002
CONCERNING COPYRIGHT**

Considering:

- (a) that Indonesia is a country with diverse ethnic groups and cultures, as well as heritage of the arts and literature with their improvements that require Copyrights protection to the intellectual properties that come out of this diversity.
- (b) that Indonesia has become member of various international conventions/ agreements on intellectual property rights in general, Copyrights in particular, that require further elaboration in its national legal system;
- (c) that developments in trade, industry and investment have been so fast that it is necessary to increase protection to the authors and owners of the Related Rights while observing the interests of the general public;
- (d) that in the experience of enforcing the existing Copyright Law, it is deemed necessary to enact a new Copyright Law to replace Law Number 6 of 1982 concerning Copyright as already subsequently amended under Law Number 7 of 1987, the latest being under Law Number 12 of 1997;
- (e) that based on the considerations as in items (a), (b), (c) and (d), it is necessary to enact a Copyright Law.

In view of:

- (1) Article 5 paragraph (1), Article 20, Article 28 C paragraph (1) and Article 33 of 1945 Constitution of the Republic of Indonesia;
- (2) Law Number 7 of 1994 concerning Ratification of the Agreement Establishing the World Trade Organization (State Gazette of 1994 Number 57, State Gazette Supplement Number 3564).

With the approval of The People's Representative Assembly of the Republic of Indonesia decides to declare Copyright Law.

Chapter I – General Provisions

Article 1

For the purpose of this Law:

- (1) Copyright shall mean an exclusive right of the Author or the assignee to announce or duplicate the Work or to issue a permit thereof with due respects of the restrictions provided in the prevailing laws and regulations.
- (2) Author shall mean a person or a number of persons jointly who on inspiration creates a Work, based on the ability of thinking, imagination, adeptness, skills, or proficiency, translated into an individually specific form.
- (3) Work shall mean any creation of an Author which shows the originality in science, the arts and literature.
- (4) Copyright Holder shall mean the Author as the Copyright Owner, or the party receiving such right from the Author, or the party who further receives the right from such party who first receives such right.
- (5) Announcement shall mean the reading out, broadcast, exhibition, sales, circulation or dissemination of a Work by any means, including the internet media, or in any other manner that makes a Work read, heard, or seen by other people.
- (6) Duplication shall mean the addition of the number of a Work in whole or a very substantial part thereof using the same materials or otherwise, including permanent or temporary transformation thereof.
- (7) Portrait shall mean the face image of the person being depicted, together with other parts of the body or otherwise, created using any means or tools.
- (8) Computer Program shall mean a group of instructions translated into a language, codes, schemes, or other forms which if combined with other media shall become legible by the computer or will be able to make the computer works to perform special functions or to produce special results, including the preparation for the designing of such instructions.
- (9) Related Right shall mean a right related to a Copyright, that is, an exclusive right for the Actor to duplicate or broadcast his show; or for an Audio-recording Producer, to duplicate or rent out his recorded voice or recorded sound, and for a Broadcasting Body to make, duplicate and broadcast its works.
- (10) Actor shall mean the actor, singer, musician, dancer or the person who shows, acts, performs, sings, recites, declaims or plays a work of music, drama, dance, literature, folklore or other works of the art.

- (11) Voice recording Producer shall mean the person or legal entity who first records and has the responsibility for recording of voice of sound or a show or recording of other voice or sound.
- (12) Broadcasting Body shall mean a broadcasting organization of a legal entity status, doing the broadcasting of a broadcasting work using a transmission device with wire or wireless, or through an electromagnetic system.
- (13) Application shall mean application for the registration of a Work submitted by the applicant to the Director General.
- (14) License shall mean the permit given by a Copyright Holder or a Related Right Holder to another party for the announcement and/or duplication of his work or Related Right product under particular conditions.
- (15) Attorney shall mean consultant of Intellectual Property Rights as provided hereto.
- (16) Minister shall mean the Minister that heads the ministry whose tasks and responsibilities include the supervision of Intellectual Property Rights including Copyrights.
- (17) Directorate General shall mean the Directorate General of Intellectual Property Rights under the ministry headed by the Minister.

Elucidation: Indonesia is an archipelagic country which is very rich in diverse arts and cultures. This is associated with the diverse ethnic groups and religions that altogether make up a national potential that is worth protecting. These arts and cultural riches are one source of intellectual works that may and need to be protected by law. These riches are not merely for the arts and cultures themselves but may also be utilized for promotion in trade and industry that involve the Authors thereof. Hence, these protected riches of the arts and culture will also contribute to increasing the welfare of not only the Authors but also the nation as a whole. Indonesia has been participant in the world community and has become member of the Agreement Establishing the World Trade Organization that also includes Agreement on Trade Related Aspects of Intellectual Property Rights (hereafter referred to as the TRIPs) through Law Number 7 of 1994. Besides, 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 Copyrights Treaty, hereafter referred to as the WCT, through Presidential Decree Number 19 of 1997. Indonesia now has its Law Number 6 of 1982 concerning Copyright as already subsequently amended under Law Number 7 of 1987, the latest being under Law Number 12 of 1997, hereafter referred to as the Copyrights Law. While these amendments have included adjustments of the articles that conform with the TRIPs, there are still a number of aspects that require proper improvements to ensure protection of intellectual works in Copyright, including the efforts to promote the intellectual works that have developed from the diverse arts and cultures of the nation as described above. In the conventions on Intellectual Property Rights as referred to above, there are a number of provisions that should be properly utilized.

Besides, we should uphold and distinguish the position of Copyright on the one hand and the Related Right on the other hand, in order to more clearly give protection to intellectual works.

In respect of the foregoing, it is deemed necessary to replace the present Copyright Law with a new law. This is especially true as the arts and cultural riches, and the development of intellectual ability of the people of Indonesia require adequate legal protection in order to ensure healthy competition in the industry, required in the implementation of the national development.

Copyright consists of economic right and moral right. Economic right is the right to get economic benefit of a Work and the product of Related Right. Moral right is the right adhering to the subject of the Author or the Actor which cannot be removed or nullified for any reasons whatsoever, despite the transfer of the Copyright or the Related Right.

Copyright protection is not provided for the ideas or initiatives as a created work shall have a unique form, is individual and display originality as a Creation that is created on the ability, creativity, or competency so that the Work becomes visible, legible or audible.

This law contains a number of new provisions, including:

- (1) database that is a protected work;*
- (2) use of any equipment with or without wires, including internet media, for playback of optical disc products through audio, audiovisual media and/or telecommunication facilities;*
- (3) settlement of disputes by the Commercial Court, arbitration, or alternative of dispute settlement;*
- (4) interim decision of the court to prevent further damages to the copyright holder;*
- (5) stipulated time limits in the process of civil case on Copyrights and Related Rights in the Commercial Court as well as in the Supreme Court;*
- (6) inscription of the right of electronic management information and technological control facility;*
- (7) inscription of the mechanism of control and protection of the products that use high technology production facilities;*
- (8) penalty of violation of Related Rights;*
- (9) minimum imprisonment and fine;*
- (10) penalty to the duplication of computer programs for commercial purposes in an illegal manner and against the law.*

Chapter II - Scope of Copyright

PART ONE - FUNCTIONS AND NATURES OF COPYRIGHT

Article 2

- (1) Copyright shall be an exclusive right of the Author or the Copyright Holder to announce or duplicate his Work, that arises automatically after a work is made, notwithstanding the limitations under the prevailing laws and regulations.

Elucidation: Exclusive right here means the right that is exclusively intended to the holder thereof and there are accordingly no other parties that may utilize the right without the permission of the holder thereof. "To announce and duplicate" is defined as including the activities of translating, adapting, arranging, transforming, selling, renting out, lending, importing, exhibiting, exposing to the public, broadcasting, recording, and communicating the Works to the public by any means.

- (2) The Author and/or Copyright Holder of a work of cinematography and Computer Program shall have the right to permit or otherwise prohibit other people to without his consent rent out his Work for commercial purposes.

Article 3

- (1) A Copyright shall be treated as a movable property.
(2) A Copyright may be transferred the whole or a part thereof through:

Elucidation: Transfer of a Copyright may not be effected orally, but shall be in writing with or without a notary deed.

- (a) Inheritance;
- (b) Grant;
- (c) Will;
- (d) Written agreement; or
- (e) Other means acceptable under the laws and regulations.

Elucidation: Other means acceptable under the laws and regulations may include transfer following a court decision that has become legally permanent.

Article 4

- (1) The Copyright owned by the Author, shall after the death of the Author be owned by his heir or the receiver of the will, and such Copyright shall not be confiscated except such a right has been obtained in a manner against the law.

Elucidation: As it is adherent to the Author and is intangible, a Copyright is in principle not confiscable, except for a Copyright obtained in the manner against the law.

- (2) A Copyright which has not been announced when the Author dies shall become the property of the Author's heir or the receiver of the will, and such Copyright shall not be confiscated except such a right has been obtained in a manner against the law.

PART TWO – THE AUTHOR

Article 5

- (1) Except otherwise proven, the Author shall be:
- (a) the person whose name is recorded in the General registry of Works with the Directorate general; or
 - (b) the person mentioned in the Work or announced as the Author in a work.
- (2) Except otherwise proven, a lecture which does not use a written material or that which does not announce who the author is, shall be deemed the work of the Author of the lecture.

Elucidation: A Copyright is in principle obtained by means other than registration, but in the case of a dispute in court between registered and unregistered Works as specified in paragraph (1) item (a) and item (b), and if the interested parties are able to prove the truth, the judge may decide which is the real Author based on the proof.

Article 6

If a Work consists of a number of individual parts created by two or more persons, the Author of the Work shall be the person who leads and supervises the completion of the Work or, in the absence of such a person, the person who compiles the works, without prejudice to the Copyrights of the respective persons to the parts of the Work.

Elucidation: Individual parts here means, for example, a work of serial film, in which the content of a serial may be separated from the other, and the same applies to books where the content of each part may be separated from the other part.

Article 7

If a Work designed by a person is realized or worked out by another person under the control and supervision of the person who does the design, the Author shall be the person who designs the Work.

Elucidation: Design here means an initiative in the form or a drawing or word or a combination of both, to be formed as the owner desires. Hence, a designer is called an Author, if the design is developed in detail in accordance with the design he or she has determined instead of a mere initiative or idea. Under the supervision and control means it is done under guidance, directions, or corrections by the person owning the design.

Article 8

- (1) If a Work is made under an employment relationship with another party within the same employment, the Copyright Holder shall be the party for whom the Work is made under the employment, except there has been another agreement between the parties notwithstanding to the right of the author if the Work is used beyond the employment relationship. Employment relationship is the relationship between a government employee and his or her agency.
- (2) The provision as specified in paragraph (1) shall also apply to the Work made by another party based on an order under business relationship.

Elucidation: This provision is meant to confirm that a Copyright made on the order of a Government agency shall be held by the Government agency that places the order as the principal, except otherwise agreed.

- (3) If a Work is made under an employment relationship or based on an order, the party who made the Work shall be the Author and the Copyright Holder, except otherwise agreed by both parties. Employment relationship or on order here means the Work made on the basis of employment relationship in a private organization or on an order placed by another party.

Article 9

If a legal entity announces that a Work is from itself without mentioning any person as the Author thereof, the legal entity shall be deemed the Author, except otherwise proven.

PART THREE – COPYRIGHT OF A WORK OF AN UNKNOWN AUTHOR

Article 10

- (1) The State shall be the Copyright Holder of a pre-historic, historic work and other national cultural heritage.
- (2) The State shall be the Copyright Holder of the folklore, or folk's cultural products that are jointly owned such as tales, stories, fairy tales, legends, history, songs, handicraft, choreographies, dances, calligraphy, and other artistic the works.

Elucidation: In the bid to protect folklores and other folk's cultural products, the Government may prevent any monopolies or commercialization or acts that destroy or commercially benefit therefrom without the permit of the Republic of Indonesia as the Copyright Holder. This provision is meant to prevent the acts of foreign parties that may destroy the value of cultural value of such Works. Folklore shall mean a collection of traditional works, made by groups of individuals of the community, that display the social and cultural identity thereof based on the standards and values spoken or followed through generations:

- (a) folk tales, folk poetry;
 - (b) folk songs and traditional instrument music;
 - (c) folk dances, traditional games;
 - (d) work of arts including paintings, drawings, carvings, sculptures, mosaics, accessories, handicraft, clothes, musical instruments, and traditional weaves.
- (3) The announcement or duplication of the Works specified in paragraph (2) by a person who is not an Indonesian Citizen shall require prior permit of the agency in charge of the matter.
 - (4) Further provisions on the Copyright held by the State as specified in this article shall be determined in a Government Regulation.

Article 11

- (1) If the Author of a Work is unknown and such a Work has not been published, the State shall hold the Copyright of the Work in the interest of the Author.

Elucidation: This provision is meant to confirm the Copyright status in respect of a creation whose Author is not known and which is not or has not been published, as the Work should have been produced. For example, a written work or a musical composition which has not been published or recorded. In such a case the Copyright shall be held by the State to protect the Work for the interests of the Author, while if the work is a written work that has been published, the Copyright of the work shall be held by the Publisher.

- (2) If a Work has been published but the Author thereof is unknown or the Work only indicates the pseudonym of the Author, the publisher shall hold the Copyright of the Work in the interests of the Author.

Elucidation: The publisher shall be regarded the Copyright Holder of the Work already published using the pseudonym of the Author. Accordingly, a Work published but the Author thereof is unknown or a Work only inscribed with the pseudonym of the Author, the publisher whose name appears in the Work and who can to prove that he is the first that published the Work shall be regarded the Copyright Holder. This does not apply if the Author later states his or her identity and is able to prove that the Work is his or hers.

- (3) If a Work has been published but the Author thereof and/or the publisher thereof is unknown, the State shall hold the Copyright of the Work in the interests of the Author.

Elucidation: The publisher regarded as the Copyright Holder of a Work that has been published but the Author of which is unknown, or the Work is only inscribed with the pseudonym of the Author, the publisher that first publishes the Work shall be regarded representing the Author. This does not apply if the Author later states his or her identity and is able to prove that the Work is his or hers.

PART FOUR – PROTECTED WORKS

Article 12

- (1) In this Law, the Works protected shall be the Works of science, the arts, and literature, comprising:

- (a) books, Computer Programs, pamphlets, layouts, of written works published and any other types of written works;

Elucidation: Layout of written work shall be a work known as typographical arrangement, that is, the artistic aspect in the arrangement and form of a written work. This includes, format, illustration, colors and configuration or layout of artistic letters which combine to display a specific form.

- (b) free lectures, preaches, lectures, speeches, and other such Works;

Elucidation: Other Works shall mean the Works that have not been mentioned but may be regarded similar to speeches, lectures, and addresses.

- (c) visual aids for education and sciences;

Elucidation: Visual aid means two-dimensional or three-dimensional Work related to geography, topography, architecture, biology or other sciences.

- (d) songs or musical arrangements with or without texts;

Elucidation: Song or music in this law means a complete work though it may be made up of the elements of song or melody, lyrics, and the arrangements, including the notation thereof.

- (e) dramas or musical dramas, dances, choreography, wayang shows, and pantomimes;
- (f) fine arts in all forms as paintings, drawings, carvings, calligraphic arts, sculptures, statues, collages, and applied arts;

Elucidation: Drawing, includes motives, diagrams, sketches, logos, and forms of artistic letters, and such drawing is not made for an industrial purpose.

Collage is an artistic composition made of materials (such as cloth, paper, wood) stuck to the surface of a drawing.

Applied art in the form of handicraft, which is made not for mass production shall be regarded as a Work.

- (g) architecture;

Elucidation: Architecture here includes building drawing, miniature drawing, and building mockup.

- (h) maps;

Elucidation: Map here means a description of natural and/or man-made elements above or beneath the earth surface, drawn on a flat area in a certain scale.

- (i) batik arts;

Elucidation: Batik made conventionally shall under this law be protected as an individual Work. Such a work is protected as it has artistic values, in terms of motive or drawing Work as well as its color compositions. Other traditional works regarded similar to batik are the works of Indonesia people found in various regions, such as the songket, ikat and other such works that are presently being actively promoted.

- (j) photography;

- (k) cinematography;

Elucidation: Cinematographic products which are moving image mass communication media include documentary films, advertising films, reports or feature films produced with scenario, and cartoon films. Cinematographic works may be made on celluloid, video tapes, video discs, optical discs and/or other media that enable the work to be shown in a cinema, on a wide screen or broadcast on television or other media. The same works are produced by film producing companies, television stations or individuals.

- (l) translations, interpretations, adaptations, anthology, database, and other works of transformation.

Elucidation: Anthology means a Work in the form of a book containing collection of selected written works, collection of selected songs recorded in a single cassette, optical discs, or other media, and a composition of various selected dances. Database means a composition of data in any form that is legible by means of a machine (computer) or any other means, which on the basis of the selection or arrangement of the content is regarded as an intellectual creation.

The protection of database is provided without prejudice to the rights of the other Author whose work has been included in the database. Transformation means any changes in the form, such as the change of a statue into a painting, a novel into a drama, drama into a radio opera, and novel into film.

- (2) The Work specified in item (1) shall be protected as an exclusive Work notwithstanding the Copyright of the original Work.
- (3) The protection specified in paragraph (1) and paragraph (2) shall include all Works that are have not been announced, but have become a real unity that enables the duplication of such works.

Elucidation: A Work that has not been announced include sketch, manuscript, blue print and, other similar product regarded as a Work that has formed a complete unit.

Article 13

There shall be no Copyright on:

- (a) the proceedings of open sessions of the State's institutions;
- (b) laws and regulations;
- (c) State speech or speech of a Government official;
- (d) Court verdict or decision of the judge; or
- (e) award of the board of arbitration or the decision of other such bodies.

Elucidation: The decision of other such bodies includes the decisions of a dispute, including the decisions of the Industrial Dispute Settlement Committee, and the Maritime Court.

PART FIVE – LIMITATIONS OF COPYRIGHTS

Article 14

Infringement of Copyrights shall not apply to any of the following:

- (a) Announcement and/or Duplication of the State's coat of arms and national anthem of the original form;
- (b) Announcement and/or Duplication of anything announced and/or duplicated by and on behalf of the Government, except if the Copyright is declared protected, under the laws and regulations or a statement on the Work itself, or when the Work is announced and/or duplicated; or An Announcement or Duplication in the name of the Government is such Announcement and Duplication of research reports conducted on the State's budget.

- (c) Quoting of actual news, the whole or a part thereof from a news agency, a Broadcasting Institution, and the newspaper or other sources, as long as the sources are mentioned completely. Actual news is the news announced within 1x24 hours from the first announcement.

Article 15

As long as the sources are mentioned or quoted, the following acts shall not be an infringement of Copyright:

- (a) use of the Work of another party for education, research, thesis writing, report preparation, writing of critics or reviews of an issue without adversely affecting proper interests of the Author;

Elucidation: This definition is required as it is difficult to quantitatively determine the infringement of a Copyright. It will be more accurate if the infringement of a Copyright is based on a qualitative measure. For example, the extraction of the most substantial and specific part that makes the characteristics of a Work, though this use is less than 10%. Such use is substantially an infringement of Copyright. The use of a Work is not regarded an infringement of a Copyright if the source is mentioned or is clearly mentioned and this is restricted to non-commercial, including social activities. For example, the activities in education and science, research and development, as long as such activities do not adversely affect the proper interests of the Author. Included in this regard is the use of Work for a show or performance which does not charge payment. In respect of the use of written work, the source of the Work shall be completely mentioned. This means, mentioning at least the name of the Author, the title or name of the Work, and the name of the publisher, if any. Proper interests of the Author or the Copyright Holder mean the interests based on the balance in enjoying the economic benefits of a work.

- (b) quoting the Work of another party, the whole or a part thereof, for a defense of a case in or outside the court;
- (c) quoting the Work of another party, the whole or a part thereof, for:
 - (i) a lecture given exclusively for education and sciences; or
 - (ii) a show or staging of a play arranged without collecting payment, without adversely affecting proper interests of the Author.
- (d) duplication of a Work of science, the art, and literature in Braille for use by the blind, except such duplication is for commercial purposes;

- (e) duplication of a Work other than a Computer Program, in a limited manner by any means or process for a public library, a science and education institution, and a non-commercial documentation center for the user's exclusive activities;
- (f) change on consideration of technical execution of an architectural work, such as a building Work;
- (g) back-up copying of a Computer Program by the owner of the Computer Program, exclusively for own use.

Elucidation: The owner (not the Copyright Holder) of a Computer Program may make a copy of the computer Program he or she owns as a backup for his or her exclusive use. Such copying for a backup as specified above shall not be regarded as an infringement of Copyright.

Article 16

- (1) For the purposes of education, sciences, and research and development, the Minister may, after learning the considerations of the Board of Copyright, decide on a Work of science and literature, as follows:
 - (a) require the Copyright Holder to do the translation and/or duplication of the Work covering the territory of the Republic of Indonesia in a specified time;
 - (b) require the concerned Copyright Holder to allow another party to do the translation and/or duplication of the Work covering the territory of the Republic of Indonesia in a specified time, if the Copyright Holder fails to fulfill the obligations as provided in item (a);
 - (c) appoint another party to do the translation and/or duplication of the Work covering the territory of the Republic of Indonesia, if the Copyright Holder fails to fulfill the obligations as provided in item (b).
- (2) The obligation to do the translation as specified in paragraph (1), shall be fulfilled after a period of three (3) years as from the publicity of the Work of science and literature as long as the Work has not been translated into Indonesian language.
- (3) The obligation to duplicate as specified in paragraph (1), shall be fulfilled after the following period:
 - (a) three (3) years after the publishing of a book on mathematics and natural sciences and such book has not been duplicated in the territory of the Republic of Indonesia;
 - (b) five (5) years after the publishing of a book on social sciences and such book has not been duplicated in the territory of the Republic of Indonesia;

- (c) seven (7) years after the publishing of a book on the arts and literature and such book has not been duplicated in the territory of the Republic of Indonesia.
- (4) The translation and Duplication as specified in paragraph (1) shall only be for use in the territory of the Republic of Indonesia, and shall not be for export to any other countries.
- (5) The compliance with the provision set forth in paragraph (1) item (b) and item (f) shall be with a compensation in an amount determined in a Presidential Decree.
- (6) The procedure of the Application for the translation and/or duplication of the Works as specified in paragraph (1), paragraph (2), paragraph (3), and paragraph (4) shall be further determined in a Presidential Decree.

Article 17

The Government prohibits the Announcement of a Work that is against the Government's policies in religion, defense and security, morality, and public order after learning the considerations of the Board of Copyright.

Elucidation: This provision is designed to prevent the circulation of a Work that if announced will reduce the religious values or create ethnic or racial issues, may disturb or create a threat to the State's defense and security, be against the morality observed by the society, and public order. This includes books or literary works or photographic works.

Article 18

- (1) The announcement of a Work by the Government for the national interests, through the radio, television, and/or other facilities may be done without requesting the permit of the Copyright Holder as long as this does not adversely affect the proper interests of the Author and the Author shall be paid a reasonable compensation therefor. This provision requires that the Announcement of a work through radio, television broadcasts or other facilities organized by the Government should give priority to the real interests of the public that are actually required by the general public.
- (2) The Broadcasting Institution that announces the Work as specified in paragraph (1) shall have the authority to preserve the Work exclusively for the Broadcasting Institution itself, but the Broadcasting Institution shall for any subsequent announcement thereof pay a reasonable compensation to the Author.

PART SIX – COPYRIGHT OF PORTRAITS

Article 19

- (1) The Copyright Holder of a Portrait of a person shall before duplicating or announcing the Work, obtain the permission from the person in the portrait or his or her heir in a period of ten (10) years as from the death of the person in the portrait.

Elucidation: The person portrayed will not always agree if his or her portrait is announced without his or her consent. Therefore, a consent is required of the concerned person or his or her heir.

- (2) If a Portrait contains the image of two (2) or more persons, the Copyright Holder shall, if the Announcement and Duplication of the portrait also contains the other persons in the portrait, first obtain the permission from each of the persons in the Portrait, or permits from their heirs respectively in a period of ten (10) years as from the death of the person in the portrait.
- (3) The provision of this article shall only apply to the portrait made:
- (a) at the request of the person in the portrait;
 - (b) at the request of the person acting in the name of the person in the portrait;
 - (c) in the interest of the person in the portrait.

Article 20

The Copyright Holder of a Portrait shall not announce a portrait made:

- (a) without an approval of the person in the portrait;
- (b) without an approval of the other person acting in the name of the person in the portrait; or
- (c) if it is not in the interests of the person in the portrait;

Elucidation: if the Announcement is against the proper interests of the person in the portrait, or of one of his or her heirs, if the person in the portrait is dead.

Taking a photo may capture the image of a person without the person's knowledge, in the position that adversely affects the concerned person.

Article 21

It shall not be an infringement of Copyright, if a portrait taken for an announcement of a Model or more, in a public show though a commercial show, except otherwise stated by the interested party. For example, a singer performing a show may object to his or her photo taken for announcement.

Article 22

For the sake of public security and for a criminal case process, the Portrait of a person may in any means whatsoever, be duplicated and announced by the relevant agency.

Article 23

Except otherwise agreed between the Copyright Holder and the owner of Photographic Work, painting, drawing, architecture, sculpture and/or other works of the arts, the owner may without the consent of the Copyright Holder show the Work in an exhibition for the public or duplicate thereof in a catalog notwithstanding the provisions of Article 19 and Article 20 if such an artist work takes the form of a Portrait.

PART SEVEN – MORAL RIGHTS

Article 24

- (1) The Author or his or her heir shall have the right to claim the Copyright Holder to mention the Author in his or her Work.
- (2) A Work shall not be changed though the Copyright thereof has been assigned to another party, except with the consent of the Author or his or her heir if the Author is dead. With the moral rights, the Author of a work shall have the rights of:
 - (a) his or her name or pseudonym be inscribed in his or her Work or the copy thereof in respect of public use;
 - (b) preventing any forms of distortion, mutilation or any other forms or changes including swindling, cropping, destruction, replacement in respect of a work that will eventually damage the appreciation and reputation of the Author.

Elucidation: Besides, not of the above rights may be transferred, during the life of the Author, except on a will and testimony of the Author based on the prevailing laws and regulations.
- (3) The provision specified in paragraph (2) shall also apply to a change in the title or subtitle of a Work, the mentioning and clause of the name or the pseudonym of the Author.

Article 25

- (1) Electronic information of the management information of the Author's right shall not be deleted or changed.
- (2) Further provision of paragraph (1) shall be determined in a Government Regulation.

Elucidation: Management information of the Author's right is the information that is electronically built in a work that appears in the Announcement that describes a Work, the Author, and the rights or information of requirements for use, information number and code. No one is allowed to distribute, import, circulate, communicate to the public any works of shows, voice recording or broadcast in which it is known that the management information of the Author's right has been deleted, destroyed, or changes without the consent of the holder of the right.

Article 26

- (1) The Copyright of a Work shall remain the property of the Author as long as the Author has not assigned the whole Copyright to the buyer thereof.

Elucidation: The purchase of a Work does not mean that the Copyright status is transferred to the buyer. The Copyright of a Work shall remain the property of the Author. For example, the purchase of a book, cassette and painting.

- (2) A Copyright sold as a whole or in part shall not be sold the second time by the same seller.
- (3) In the case of a dispute among a number of buyers of the same Copyright of a Work, the protection shall be given to the buyer who first obtains such Copyright.

PART EIGHT – FACILITIES OF TECHNOLOGICAL CONTROL

Article 27

Except on the consent of the Author, a technological control facility to protect a right of the Author shall not be destroyed, deleted, or made non-functioning.

Elucidation: Technological control facility is the technology instrument in the form of secret codes, passwords, bar codes, serial numbers, decryption and encryption technology used to protect a Work. All acts regarded as violation of the laws are: producing or importing or renting out, any equipment specifically designed to delete technology control facilities or to prevent and, restrict the Duplication of a Work.

Article 28

- (1) The works using high-technology production facilities, particularly the optical discs, shall comply with all the required permits and the production conditions determined by the relevant agency.

Elucidation: The requirements of high technology production facilities include, for example, production location permit, obligation to maintain production bookkeeping, inscribing the producer's identity on its product, taxes or excise and meeting the inspection requirements of the authority.

- (2) Further provisions regarding high technology production facilities producing optical discs as specified in paragraph (1) shall be determined in a Government Regulation.

Chapter III - Validity Period of Copyrights

Article 29

- (1) The Copyright of the Works of:
- (a) books, pamphlets and other written works;
 - (b) dramas or musical dramas, dances, choreography;
 - (c) all types of fine arts, such as paintings, sculptures and statues;
 - (d) batik arts;
 - (e) songs or musical arrangements with or without texts;
 - (f) architectures;
 - (g) free lectures, preaches, lectures, speeches and other such Works;
 - (h) visual aids;
 - (i) maps;
 - (j) translations, interpretations, adaptations, anthology

shall be valid through the life of the Authors and shall continue to be valid for fifty (50) years after the death of the Authors.

- (2) If the Works as specified in paragraph (1) are owned by two (2) or more persons, the Copyright shall be valid through the Author who dies later and shall continue to be valid fifty (50) years thereafter.

Article 30

- (1) The Copyrights of the Works of:
 - (a) Computer Programs;
 - (b) Cinematography;
 - (c) Photography;
 - (d) Database;
 - (e) Transformations

shall be valid for fifty (50) years as from the first announcement thereof.

- (2) The Copyrights of published written works layouts shall be valid for fifty (50) years as from the time the Work is first published.
- (3) The Copyrights of the Works as specified in paragraph (1) and paragraph (2) of this article and Article 29 paragraph (1) shall be held by a legal entity and shall be valid for fifty (50) years as from the time the Work is first announced.

Article 31

- (1) The Copyrights of the Works held or exercised by the State based on:
 - (a) Article 10 paragraph (2) shall be valid for an unlimited period;
 - (b) Article 11 paragraph (1) and paragraph (3) shall be valid for fifty (50) years as from the time the Work is first made known to the public.
- (2) The Copyrights of the Works exercised by the publisher based on Article 11 paragraph (2) shall be valid for fifty (50) years as from the time the Work is first published.

Article 32

- (1) The validity period of a Copyright or a Work announced part by part, shall commence on the date the Announcement of the latest part is made.
- (2) In determining the validity periods of the Copyrights of the Works that comprise two (2) volumes of more, or the resumes and news published periodically and at different times, each such volume or resumes and news shall be deemed a separate Work.

Article 33

The period of protection of the Author's rights as specified in:

- (a) Article 24 paragraph (1) shall be valid for an unlimited period;
- (b) Article 24 paragraph (2) and paragraph (3) shall be valid through the validity of the Copyright of the particular Work, except for the inclusion and change of the name or the pseudonym of the Author.

Article 34

Without prejudice to the rights of the Author to a protection period of the Copyright, the period commencing as from the completion of a Work being protected:

- (a) for fifty (50) years;
- (b) during the life of the Author and thereafter for fifty (50) years after the death of the Author, commencing January 1, of the following year as from the Work is announced, known by the public, published, or after he death of the Author.

Elucidation: This provision confirming January 1 as date of the commencement of the period of a Copyright, is merely designed to make it more practical to determine the expiry of the protection. The commencement is January 1 of the following year after the Work is announced, is known by the public, is published or the death of the Author. This period determination shall be without prejudice to calculation principles the period of protection based on the moment a Work is produced if the date is definitely known.

Chapter IV - Registration of Works

Article 35

- (1) The Directorate General shall administer registration of Works and by record such registration in the General Registry of Works.
- (2) The said General Registry of Works shall be open for every person to see without any charges.
- (3) Every person may obtain for himself or herself an excerpt of the General Registry of Works at a cost.
- (4) The procedure of registration as specified in paragraph (1) shall not be a requirement to obtain a Copyright. The registration of a Work is not a requirement for the Author or the

Copyright Holder, and the protection of a Work commences as from the time the Work is produced or takes shape, instead of by registration. This means, any Work, registered or otherwise, shall always be protected.

Article 36

The registration of a Work in the General Registry of Works shall not mean Validation of the Content, meaning, purpose and form of the Work registered.

Elucidation: The Directorate General administering the registration of Works shall not be responsible for the content, meaning, purpose, or form of the Work registered.

Article 37

- (1) The registration in the General Registry of Works shall be made on the basis of the Application of the Author or the Copyright Holder or the Attorney.

Elucidation: Attorney is Consultant of Intellectual Property Rights, that is, the person who is knowledgeable of Intellectual property Rights and who especially offers services of handling the application of Copyrights, Patents, Trademarks, Industrial designs, and other fields of Intellectual Property Rights, and is registered as an Intellectual Property Rights Consultant with the Directorate General.

- (2) The application shall be addressed to the Directorate General in two (2) identical copies, written in the Indonesian language accompanied by a sample of the Work or its substitute, at a cost.

Elucidation: Substitute for the Work is the sample of the Work attached because it is technically impossible to attach the Work to the application. In this arrangement, a large statue is replaced by its miniature or its photograph.

- (3) On the Application as specified in paragraph (1), the Directorate General shall make a decision no later than nine (9) months as from the date the Application is received in the required sufficiency.

Elucidation: The period of an application process is designed to give the Applicant the legal certainty thereof.

- (4) The Attorney as specified in paragraph (1) shall be a consultant registered with the Directorate General.
- (5) The conditions and procedure for the appointment and registration of a consultant as specified in paragraph (4) shall be further determined in a Government Regulation.

- (6) Further provisions on the conditions and procedure of an Application shall be determined in a Presidential Decree.

Article 38

If an Application is made by more than one persons or by a legal entity which jointly have the right to a Work, such application shall be attached with a certified copy of the deed of incorporation or a written statement proving such right.

Article 39

The General Registry of Works contains, among other things:

- (a) names of the Authors and the Copyright Holders;
- (b) dates the Application are received;
- (c) dates of the sufficiency of the documents as specified in Article 37; and
- (d) registration number of the Works.

Article 40

- (1) The registration of a Work shall be deemed to have been made on the receipt of the Application by the Directorate General with sufficiency as specified in Article 37, and at the time a sufficient Application according to Article 37 and Article 48 if the Application is made by more than one person or a legal entity as specified in Article 38.
- (2) The registration as specified in paragraph (1) shall be announced in the Official Bulletin of Works by the Directorate General.

Article 41

- (1) The transfer of right to the registration of a Work, registered according to Article 39 under a single number is only possible if the whole Work is transferred to another party.
- (2) Such transfer of right shall be recorded in the General Registry of Works at a written request of both parties or the recipient of the right, at a cost.
- (3) The recording of such transfer of right shall be announced in the General Registry of Works by the Directorate General.

Article 42

In the case a Work is registered in accordance with Article 37 paragraph (1) and paragraph (2), and Article 39, the party who according to Article 2 hereto has the right to the Copyright may claim a cancellation of the registration through the Commercial Court.

Article 43

- (1) Any changes in the name and/or in the address of the person or the legal entity whose name is recorded in the General Registry of Works as the Author or the Copyright Holder, shall be recorded in the General Registry of Works at a written request of the Author or the Copyright Holder of that name and address, at a cost.
- (2) Such a change in the name and/or in the address shall be announced in the Official Bulletin of Works by the Directorate General.

Article 44

The legality of a registration of a Work shall become null and void for:

- (a) a deletion at the request of the person or the legal entity whose name is recorded as the Author or the Copyright Holder.
- (b) lapse of time as specified in Article 29, Article 30 and Article 31, and in observance of Article 32.
- (c) declared null and void in a court decision which has become legally definite.

Chapter V - License

Article 45

- (1) The Copyright Holder shall have the right to give a License another party based on a license agreement, to act as specified in Article 2.
- (2) Except otherwise agreed, the scope of a License as specified in paragraph (1) shall include all acts as specified in Article 2, during the agreed License period, and shall be effective for the whole territory of the Republic of Indonesia.

- (3) Except otherwise provided, the exercise of the acts as specified in paragraph (1) and paragraph (2) shall be accompanied by the obligations to pay a royalty by the Licensee to the Copyright Holder.
- (4) The amount of the royalty payable by the Licensee to the Copyright Holder shall be based on the agreement of both parties with reference to the convention of professional organization.

Article 46

Except otherwise agreed, the Copyright Holder may still exercise or give a License to a third party to act as specified in Article 2.

Article 47

- (1) A License agreement shall not contain a provision that will produce an adverse effect on the economy of Indonesia, or contain a provision that causes an unfair business competition as provided in the prevailing laws and regulations.
- (2) In order to have a legal effect on a third party, a License agreement shall be registered with the Directorate General.
- (3) The Directorate General shall reject the registration of License agreement which contains a provision as specified in paragraph (1).
- (4) Further provisions on the registration of a License agreement shall be determined in a Presidential Decree.

Chapter VI - Board of Copyrights

Article 48

- (1) To assist the Government in the extension and guidance as well as supervision of Copyright, a Board of Copyrights is established.
- (2) The members of the Board of Copyrights shall consist of representatives of the government, representatives of professional organizations, and members of the society who have

competency in Copyright, appointed and discharged by the President on the recommendation of the Minister.

- (3) Further provisions on the duties, functions, composition, working procedure, budget, and office period of the Board of Copyrights shall be determined in a Government Regulation.
- (4) The budget for the Board of Copyrights as specified in paragraph (3) shall come from the budget of the Ministry in charge of Intellectual Property Rights.

Chapter VII - Related Rights

Article 49

- (1) An actor shall have the exclusive right to license or to prohibit other parties who without his or her consent make, duplicate or broadcast his or her recorded voice and/or show picture. To broadcast here means renting out, making a public performance, making a live performance, and interactively communicating a recorded work of an Actor.
- (2) A Voice Recording Producer shall have an exclusive right to license or prohibit other parties to without his or her consent duplicate and/or rent out the a voice or sound Recording.
- (3) A Broadcasting Institution shall have the exclusive right to license or to prohibit other parties who without its consent make, duplicate, and/or re-broadcast its broadcasting material through transmission means, with wire or wireless, or through other electromagnetic system.

Article 50

- (1) The period of protection of:
 - (a) an Actor shall be fifty (50) years as from the work is first shown or entered into an audio media or an audiovisual media;
 - (b) a Voice Recording Producer shall be fifty (50) years as from the time the work is first recorded;
 - (c) a Broadcasting Institution shall be twenty (20) years as from the time the broadcasting work is first broadcast.
- (2) The protection period as specified in paragraph (1) shall commence on January 1 of the following year:
 - (a) the show work is performed or recorded in the audio or audiovisual media;

- (b) the voice recording work is recorded;
- (c) the broadcasting work is broadcast the first time.

Article 51

The provisions as specified in Article 3, Article 4, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 14 item b and item c, Article 15, Article 17, Article 18, Article 19, 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 mutatis mutandis apply to the Related Rights.

Chapter VIII - Management of Copyrights

Article 52

The administration of Copyrights as provided in this Law shall be undertaken by the Directorate General.

Article 53

The Directorate General shall maintain a nationwide documentation and information network system of Copyrights that will be able to as extensively provide information on Copyrights to the public as possible.

Chapter IX - Costs

Article 54

- (1) All Applications, requests of excerpts from the General Registry of Works, recording of transfer of Copyrights, recording of a change in name and/or address, registrations of License agreements recording of compulsory License, and others as provided in this Law shall be charged a cost in the amount determined in a Government Regulation.
- (2) Other provisions regarding the requirements, period, and procedure of settling the costs as specified in paragraph (1) shall be determined in a Presidential Decree.
- (3) The Directorate General may on the approval of the Minister and the Minister of Finance use the funds obtained from the payment of the costs specified in paragraph (1) and paragraph (2) based on the prevailing laws and regulations.

Elucidation: To use the funds here is the use of the Non-Tax State Revenues (PNBP) in accordance with the prevailing systems and mechanisms. In these regards, all revenues are deposited directly to the State treasury as PNBP. Then, the Directorate General, through the Minister requests the approval of the Minister of Finance for the use of the PNBP as required and as is lawfully right, as is presently provided by Law Number 20 of 1997 concerning Non-Tax State Revenues (State Gazette of the Republic of Indonesia of 1997 Number 43).

Chapter X - Settlement of Disputes

Article 55

The transfer of a Copyright of the whole Work to another party shall without prejudice to the rights of the Author or his or her heir to complain that which is without his or her consent:

- (a) deleting the name of the Author on the Work;
- (b) inscribing the Author's name on the Work;
- (c) changing the title of the Work;
- (d) changing the content of the Work.

Article 56

- (1) The Copyright Holder shall have the right to claim a compensation for damages due to the infringement of his or her Work and request for the confiscation of the object announced or the Duplication of the Work.
- (2) The Copyright Holder shall also have the right to request the Commercial Court to order the surrender of all or a part of the income obtained from the operation of lectures, scientific seminars shows or exhibitions of works, that have been produced from an infringement of Copyright.
- (3) To prevent further damages affecting the party whose right is infringed, the judge may before making the final decision, order that the violator discontinue the activities of Announcement and/or Duplication of Work or object that has been the product of an infringement of Copyright.

Article 57

The rights of the Copyright Holder as specified in Article 56 shall not apply to the Work that is in the hands of the party who has in good faith obtained the Work exclusively for own use and not used for commercial activities and/or interests relating to commercial activities.

Article 58

The Author of a Work or his or her heir may file a claim for a compensation of the infringements as specified in Article 24.

Article 59

The claim as specified in Article 55, Article 56 and Article 58 shall be decided in a period of ninety (90) days as from the day the claim is received by the relevant Commercial Court.

Article 60

- (2) The Clerk shall register the claim as specified in paragraph (1) on the date the claim is filed and the plaintiff receives a statement of receipt, signed by the relevant official indicating the date similar to the date of the filing.
- (3) The Clerk shall forward the claim to the Chief of the Commercial Court no later than two (2) days as from the date the claim is filed.
- (4) The Commercial Court shall no later than three (3) days after receipt of the claim, review the claim and determine the day of the court session.
- (5) The court session of a claim shall commence no later than sixty (60) days after the claim is filed.

Article 61

- (1) The notice to the parties shall be made by the bailiff no later than seven (7) days after the claim is filed.
- (2) The decision on a claim shall be pronounced no later than ninety (90) days after the claim is filed and may be extended to no later than thirty (30) days on an approval of the Chief of the Supreme Court.
- (3) The decision on a claim as specified in paragraph (2) that completely contains the legal considerations that make the basis of the decision shall be pronounced in a session open to public, and if required may be first executed though a legal effort is being sought therefor.
- (4) The dossiers of the decision of the Commercial Court as specified in paragraph (3) shall be delivered by the bailiff to the parties no later than fourteen (14) days as from the decision on the claim is pronounced.

Article 62

- (1) Only a kasasi may be sought for the decision of the Commercial Court as specified in Article 61 paragraph (4).
- (2) The application for a kasasi as specified in paragraph (1) shall be filed no later than fourteen (14) days as from the date the decision for which the kasasi is filed is pronounced or notified to the parties and file thereof to the Court which makes the decision.
- (3) The Clerk shall register the application for kasasi on the date the application is filed and the applicant for kasasi shall receive a statement of receipt, signed by the clerk indicating the date similar to the date of the filing.

Elucidation: Except otherwise stated, “clerk” in this paragraph means the clerk of the District Court/Commercial Court.

Article 63

- (1) The applicant for kasasi shall submit the memorandum of kasasi to the clerk no later than fourteen (14) days as from the date the application for kasasi is filed as specified in Article 62 paragraph (2).
- (2) The Clerk shall forward the memorandum of kasasi as paragraph (1) to the defendant of kasasi no later than seven (7) days as from the receipt of the memorandum of kasasi.
- (3) The defendant of kasasi may file a contra memorandum of kasasi to the clerk no later than fourteen (14) days as from the receipt of the memorandum of kasasi as specified in paragraph (2) and the clerk shall forward the contra memorandum of kasasi to the application for kasasi no later than seven (7) days as from the receipt of the contra memorandum of kasasi by the clerk.
- (4) The clerk shall forward the dossiers of the kasasi case to the Supreme Court no later than fourteen (14) days after the period specified in paragraph (3).

Article 64

- (1) The Supreme Court shall review the dossiers of the case of kasasi and decide the hearing day no later than seven (7) days after the date the application for kasasi is received by the Supreme Court.
- (2) The hearing of the application for kasasi shall be made no later than sixty (60) days as from the day the application for kasasi is received by the Supreme Court.
- (3) The decision on the application for kasasi shall be pronounced no later than ninety (90) days as from the date the application for kasasi is received by the Supreme Court.
- (4) The decision of the application for kasasi as described in paragraph (3) that gives full accounts on the legal considerations that make the basis of the decision shall be read out in a session open to public.
- (5) The clerk of the Supreme Court shall send the copy of the decision of kasasi to the clerk no later than seven (7) days as from the date the decision on the application for kasasi is pronounced.

- (6) The bailiff shall send the decision on the kasasi as described in paragraph (5) to the applicant for kasasi and the defendant of the kasasi no later than seven (7) days as from the receipt of the decision on the kasasi.

Article 65

Besides the settlement of a dispute as specified in Article 55 and Article 56, the parties may also seek settlement through arbitration or an alternative to settlement of disputes.

Elucidation: Alternative settlement of disputes mean negotiation, mediation, conciliation, and other ways the parties may choose in accordance with the prevailing laws.

Article 66

The right to make a claim as specified in Article 55, Article 56, and Article 65 shall be without prejudice to the right of the State to make charge the infringement of the Copyright as criminal case.

Chapter XI - Interim Decision of the Court

Article 67

The party whose right has been adversely affected may request the Commercial Court to issue an interim decision of:

- (a) preventing the continuation of the Copyright infringement, particularly banning the entry of goods alleged as an infringement of the Copyright or the Related Right to the market, including the activities of importation.

Elucidation: This provision is meant to prevent further damages to the party whose right is being infringed, so that the Judge of the District Court is given the authority to issue an interim decision in order to prevent the continued infringement and the influx of the materials alleged as infringement of Copyright and Related Rights onto the trading channels, including importation.

- (b) securing the evidence relating to the infringement of the Copyright or the Related Right to avoid the deletion of Copyright.

Elucidation: This provision is meant to prevent the deletion of evidence by the infringing party.

- (c) to request the party adversely affected by the act to give evidence stating that the concerned party is actually entitled to the Copyright or the Related Right, and that such right is actually being infringed.

Article 68

If the interim decision of the court has been made, the parties shall forthwith be notified thereof, including the right to be heard for the party being affected by such interim decision.

Article 69

- (1) If the judge of the Commercial Court has issued an interim decision, the judge of the Commercial Court shall decide whether to change, cancel or substantiate the decision as described in Article 67 item (a) and item (b) in no later than thirty (30) days as from the interim decision is issued.
- (2) If in the period of thirty (30) days the judge does not perform the provision specified in paragraph (1), the interim decision of the court shall not have a legal effect.

Article 70

If an interim decision is cancelled, the party who feels to have been adversely affected thereby may claim the party who has requested such interim decision to pay a compensation for damages caused by the interim decision.

Chapter XII - Investigation

Article 71

- (1) Beside the investigator of the Indonesian National Police, relevant Civil Service Officials of the ministry who oversees matters on Intellectual Property Rights shall be given special

authority as Investigators as provided in Law Number 8 of 1981 concerning Criminal Law Procedure to investigate criminal acts in Copyright.

Elucidation: Relevant civil service officials are the officials appointed as investigators based on a Ministerial Decree.

- (2) The Investigator as described in paragraph (1) shall have the following authorities:
- (a) to examine the evidence of a report relating to a criminal act in Copyright;
 - (b) to interrogate the persons or legal entities alleged to have taken a criminal act in Copyright;
 - (c) to request information from the persons or legal entities in regard of criminal acts in Copyright;
 - (d) to conduct an examination of the bookkeeping, records and other documents;
 - (f) to, jointly with the Police, confiscate the materials and goods produced in the violation that may be used as evidence in a criminal case in Copyright; and
 - (g) to request expert assistance in doing the investigation of a criminal act in Copyright.
- (3) The Investigator as described in paragraph (1) shall notify the commencement of an investigation and report the results thereof to the Indonesian National Police.

Elucidation: Duplicating the use includes multiplying, or copying computer programs in the form of source code or its application program.

Source code is a file program containing the statement of programming, instruction codes, functions, procedures and objects designed by a programmer.

For example: A buys a computer program on a License for use on a computer unit, or B enters into a License agreement for the use of a program application for ten (10) computer units, If A or B copies the computer program application to a number of more than as agreed, the act shall be an infringement, except for a file.

Chapter XIII - Criminal Penalty

Article 72

- (1) Anyone who willfully without the right thereto takes an act as specified in Article 2 paragraph (1) or Article 49 paragraph (1) and paragraph (2) shall be subject to an imprisonment of, respectively, one (1) month at the least and/or a fine of one million rupiah (Rp.1,000,000.00) at the least, or an imprisonment of, respectively, seven (7) years at the most and/or a fine of five billion rupiah (Rp5,000,000,000.00) at the most.

- (2) Anyone who willfully broadcasts, exhibits, circulates or sells to the public a Work or article obtained through infringement of Copyright or Related Right as specified in paragraph (1) shall be subject to an imprisonment of five (5) years at the most and/or a fine of five hundred million rupiah (Rp.500,000,000.00) at the most.
- (3) Anyone who willfully and without the right thereto duplicate the use for commercial purpose of a Computer Program shall be subject to an imprisonment of five (5) years at the most and/or a fine of five hundred million rupiah (Rp.500,000,000.00) at the most.
- (4) Anyone who willfully violates the provision of Article 17 shall be subject to an imprisonment of five (5) years at the most and/or a fine of one billion rupiah (Rp.1,000,000,000.00) at the most.
- (5) Anyone who willfully violates the provisions of Article 19, Article 20, or Article 49 paragraph (3) shall be subject to an imprisonment of two (2) years at the most and/or a fine of one hundred and fifty million rupiah (Rp.150,000,000.00) at the most.
- (6) Anyone who willfully and without the right thereto violates the provisions of Article 24 or Article 55 shall be subject to an imprisonment of two (2) years at the most and/or a fine of one hundred and fifty million rupiah (Rp.150,000,000.00) at the most.
- (7) Anyone who willfully and without the right thereto violates the provision of Article 25 shall be subject to an imprisonment of two (2) years at the most and/or a fine of one hundred and fifty million rupiah (Rp.150,000,000.00) at the most.
- (8) Anyone who willfully and without the right thereto violates the provision of Article 27 shall be subject to an imprisonment of two (2) years at the most and/or a fine of one hundred and fifty million rupiah (Rp.150,000,000.00) at the most.
- (9) Anyone who willfully violates the provision of Article 28 shall be subject to an imprisonment of five (5) years at the most and/or a fine of five hundred million rupiah (Rp.150,000,000.00) at the most.

Article 73

- (1) The Work or the article which is obtained through an infringement of Copyright or the Related Right and the equipment and tools used for taking the criminal act shall be confiscated and destroyed by the State.
- (2) A Work as specified in paragraph (1) in the arts which is unique, may be determined for an exception of being destroyed. "Unique" here means an exclusive form which does not have any similarity to others, or is of special nature.

Chapter XIV - Transitional Provisions

Article 74

With the effectiveness of this Law, all the laws and regulations in Copyright already in effect on the date this Law becomes effective, shall remain effective as long as such laws and regulations are not against or have not been replaced under this Law.

Article 75

The Work Registration Certificate already issued by the Directorate General based on Law No. 6 of 1982 concerning Copyright as already amended under Law No. 7 of 1987, the latest being under Law No. 12 of 1997 that are still effective when this Law is enacted, shall remain effective for the remaining period.

Chapter XV - Concluding Provisions

Article 76

This law shall apply to:

- (a) all Works by the Indonesian citizens, residents and legal entities;
- (b) all Works by non-Indonesian citizens, residents and legal entities that are first announced in Indonesia;
- (c) all Works by non-Indonesian citizens, residents and legal entities provided that:
 - (i) the countries of the concerned have bilateral ties on protection of Copyrights with the Republic of Indonesia; or
 - (ii) the countries of the concerned and the Republic of Indonesia are parties or participants in the same multilateral agreement on protection of Copyrights.

Article 77

With the effectiveness of this Law, Law Number 6 of 1982 concerning Copyright as already amended under Law Number 7 of 1987, the latest being under Law Number 12 of 1997 are hereby declared null and void.

Article 78

This Law shall become effective twelve (12) months as from the date it is enacted.

In order that every person knows about it, it is hereby ordered that this Law be promulgated in the State Gazette of the Republic of Indonesia.

To become effective twelve (12) months as from the enactment is meant to give the law ample time for socialization to the parties related to Copyrights, such as, universities, associations in Copyrights, etc.