

NEW COPYRIGHT BILL ANNOUNCED

On 16 September 2014, the House of Representatives finally passed the Bill on Copyright (**Copyright Bill**). The Copyright Bill repeals and replaces the current copyright law, Law No. 19 of 2002 on Copyright. The Copyright Bill regulates various new topics which were not discussed in the current Copyright Law, among others as below.

Copyright as a form of movable intangible property may be encumbered and registered as collateral under fiduciary security, pursuant to Law No. 42 of 1999 on Fiduciary Security.

The Copyright Bill introduced four new works that are now protected which were not protected previously:

- translations, adaptations, arrangements, transformations, or modifications of traditional cultural expressions;
- compilations of creations or data, including in digital format;
- original compilations of traditional cultural expressions; and
- video games.

The Copyright Bill also introduced a new concept called, “one stop shop royalties collection” for copyright holders. Under this mechanism, copyright holders, creators, and holders of related rights must be members of a “collective rights management organization”. The collective rights management organization is authorized to collect royalties from users of works and distribute the funds collected to copyright holders who are members. An entity intending to establish a collective rights management organization must first obtain an operating license from the Minister of Law and Human Rights.

In relation to the duration of copyright protection, those works which were protected for the creator’s lifetime +50 years after his/her death, will now remain protected for the creator’s lifetime +70 years after his/her death.

Also, written creations (eg books, literature, songs, music with or without lyrics, dictionaries, etc) which were sold or transferred to a third party pursuant to a final sale and purchase of works or an indefinite transfer agreement (collectively known as ‘sold flat’), will automatically re-transfer to the creator 25 years after the initial transfer.

It is now clearly stated that organizers of commercial premises must prohibit any businesses

operating within their premises from selling or duplicating products which infringe copyrights. Failure to comply is subject to a fine of up to IDR100 million (approximately US\$8,500).