

ABSTRACT

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JURIDICAL REVIEW ON THE VIOLATION OF THE COPYRIGHTED PORTRAITS (CASE STUDY NUMBER 262 K/PDT.SUS-HKI/2016)

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The development of technology and communication provides a significant impact towards the development of society and shaped its views of the world as it is affected by the exponential growth of technology hasten the process of communication and further simplifies the usage. As we can see, within the domestic market, the practices of bussiness in present day are riddled with advertisement, especially in the areas of radio, television, poster, and printing advertisements. Moreover, one of the most common ways to promote goods is through advertising, in the form of script, audio, or even visual arts. In certain cases, business actors may use the services of a photographer to print pictures of goods or services to attract the eye of the audiance or to promote their respective companies. By utilizing the employee's portrait with no consent from the person, subjects the company under violation of copyrights. The regulations for portrait (picture of a person) is regulated in the Article 12 of the Law Number 28 Year 2014 concerning Copyrights which states that someone is prohibited to utilize other's portrait without the liscense from the owner of the portrait. This case was intended to explore more regarding the right's owner of employee's portrait that was taken by the company for the interest of the company and also to understand about the judges' consideration on the case number 262 K/Pdt.Sus-HKI/2016 regarding the transfer of ownership rights on the portrait owned by employee. This research applies normative approach, which means research for the purpose of reviewing the principle of the positive law.

Keyword : copyrights, portrait, intellectual property rights

References : 27 (1979-2016)