

ABSTRACT

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JURIDICAL ANALYSIS ON ANNULMENT OF COPYRIGHT REGISTRATION SUIT (Case Study: Verdict Number 855 K/Pdt.Sus-HKI/2016)

(xii + 89 Pages, 2 attachments)

Copyright is one of the branches of Intellectual Property Rights (IPR) which protects manmade creations in the field of art, literature and science. Copyright in Indonesia is regulated within Law Number 28 Year 2014 regarding Copyright. Within Article 1 Point 1 it is stated that copyright is the exclusive right of the creator or copyright holder to declare or multiply their creation, which arises automatically after a work is produced without reducing restrictions in accordance to the applicable provisions of the legislation. In fact, however, there are a lot of requests of copyright registration by parties with bad faith, thus causing violations of copyright as in that of the case which is analyzed in this research, namely Verdict Number 855 K/Pdt.Sus-HKI/2016. This research uses the normative legal research method which is descriptive, qualitative in nature, namely using the case approach based on the applicable laws and regulations point of view. Based on the result of the research it finds that copyright registration is not a form of legal obligation for the creator and also not a procedure to obtain a copyright or to obtain juridical justification regarding the content and truth of the said creation. This is because the copyright protection on a creation effectively applies automatically since the creation is formed or made tangible, however the development of information and communication technology usage may affect violations of copyright, therefore registration of copyright is deemed essential as a preliminary evidence in case a violation occurs. The substance of the Supreme Court Verdict in this case is deemed appropriate, and it only requires adequate legal sanctions in regards to the annulment of copyright registration suit.

References: 22 (1989-2017)

Keywords: Copyright, Copyright Registration, Violations of Copyright