

Copyright Protection for Digital Painting Commercialized by Brands without Artist Permission

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Abstract. *The continuous development of digital art has tremendous impacts and also presents challenges for creators. The most frequent problem is art plagiarism. Easy internet access has made it easier for strangers to copy or even steal art for their own gain, leading to rights violations for the creator. This challenges the concepts of copyright and cyberspace, merging these two concepts into one concept, which is digital copyright. This paper compared digital copyright protection in Indonesia to that of the Digital Millennium Copyright Act of 1998 (DMCA) using a descriptive-analytical methodology. A normative jurisprudence approach was utilized in conjunction with secondary data for the study. According to the study's findings, digital copyright protection continues to prioritize physical objects over digital ones.*

Keywords: Art; Copyright; Digital Protection.

1. Introduction

In the era of modern globalization, the rapid development of technology, especially in the digital field, is changing the way of working from conventional to more modern ones, which are much easier and more practical. The digital world's advancement affects almost all fields, one of which is communication, where humans can communicate and interact with other humans without having to be in the same room or getting to know each other through social media applications such as Facebook, Instagram, Twitter, and other social media.

One of the areas affected by digital developments is digital art. Digital art can be defined as artistic activities or works that incorporate digital technology in the process of creation or production, or as computerized art that uses and interacts with digital media.

An artist named Harold Cohen popularized digital art in 1980, despite its existence since 1960. Digital Painting is one example of digital art. Digital painting is a method of creating digital painting art that forms lines, colours, and

images from points on a digital monitor.¹ Digital painting has various types, one of which is digital illustration. Digital illustration is a medium where visual art is combined with computer digitalization media to convey messages to art enthusiasts.²

The existence of digital art piqued interest many artists from young to old. It easy accessibility just by downloading art software in any hardware without needing to continuously buy art supply had made it quite popular. The existence of digital art in Indonesia itself is quite large. Many artists publish their works such as illustrations, 2D or 3D graphics, drawings, and comics, through comic platforms such as webtoons or social media such as Twitter, Pinterest, Instagram, Tumblr and TikTok. Artists often buy and sell their creative works or receive commissions through social media because online buying and selling transactions are easy and practical.

The act of digitization has a substantial impact on both the author and the copyrighted item. It enables a wide audience to more readily recognize and value an item, thereby generating a favourable economic consequence for the inventor. Along with these benefits, challenges also arise.³ Artwork published via social media can be easily accessed by the public via Google search or the search bar on social media. However, easy access harms artists because of the increase in copyright violations. Such as the download option and digital formats for file forms making it easier for stranger to download the work of art and misuse it, such as distributing it without permission or claiming the work as one's own, using the work to add aesthetic value for merchandise sale, even selling it without the artist's permission.

Taking works without the artist's permission to use them for commercial purposes is not only done by individuals but also by brands. One example of this case is a local brand from Indonesia called Erigo was proven to have plagiarized the work of a foreign artist from Poland. In 2020, Erigo was in the spotlight because one of the designs for its Sukajan jacket collection copied the work of a foreign artist. Another case example is a local fashion brand called Aerostreet which plagiarized the work of another local fashion brand Subjekt Zero. This case started Through Subjekt Zero's Facebook and Instagram post, calling out Aerostreet for plagiarizing their shirt design.

¹ Rosmawati, D. A. (2021). *Digital Painting Dan Desain Karakter Dengan Adobe Photoshop*, Yogyakarta: ANDI. p.6

² Male, A. (2017). *Illustration: A Theoretical & Contextual Perspective*. London: Bloomsbury Visual Art. p. 54

³ Ramli, A. (2018), *Hak Cipta, Disrupsi Digital Ekonomi Kreatif*, Bandung; PT Alumni. p.11.

Cases of plagiarism committed by brands are not only common in Indonesia but are also done by an Italian luxury brand called Dsquared2. Through her Instagram @ihatesally, the tattoo artist based in Germany complained about one of her works being plagiarized by Dsquared2 for the FW 2023 collection.

The internet's existence, which transcends time and space, has a profound effect on numerous facets of life, most notably on how individuals locate information, engage in communication, and derive entertainment. This advancement is referred to as "free culture" by Lawrence Lessig because it permits unrestricted and limitless usage. Consistent with its all-encompassing character, free culture exerts a profound influence.⁴ The convergence of telecommunications, multimedia content, and informatics has been made possible by the internet. As a result of the combination of these three factors communication, network system, and information technology the telematic concept was born.⁵

Transitions from analog to digital technologies affect numerous aspects of business and individuals' daily existence. Digitalization has a substantial impact on both the author and the copied object. It facilitates the recognition and admiration of an object by a greater number of individuals, thereby generating an economic advantage. Simultaneously with these advantages, obstacles also manifest. The advent of contemporary telecommunications infrastructure facilitated the instantaneous transmission of copyrighted materials across international borders, while also enabling their simultaneous dissemination to a large number of users. This phenomenon presents novel prospects for copyright holders to capitalize on their creations, while simultaneously presenting fresh avenues for individuals seeking to violate their rights.⁶

Insufficient attention is given in Indonesia's existing copyright legislation, specifically Law No. 28 of 2014 on Copyright (Copyright Law), to the nascent concept of "digital copyright," which requires the incorporation of copyright protections into technological systems. On the contrary, Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 19 of 2016 (referred to as the EIT Law), which serves as the regulatory framework for cyberlaw in Indonesia, fails to offer an all-encompassing framework for safeguarding digital copyright.

The United States of America (henceforth the US) not only ratifies the WCT but also implements a distinct regulation to protect digital copyright. Legislation

⁴ Lessig, L. (2004). *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*, New York: Penguin Press. p.8.

⁵ Sirait, H. (2009). *Sejarah Perkembangan Teknologi Telematika*. <http://robby.c.staff.gunadarma.ac.id/download/files/45621/sejarah-telematika.pdf>.

⁶ Groves, P., Martino, T., Miskin, C., Richards, J. (1993). *Intellectual Property and the Internal Market of the European Community*, London: Graham & Trotman. p.80.

concerning copyright and electronic media is the Digital Millennium Copyright Act of 1998 (DMCA).⁷ Moreover, the DMCA has emerged as the foundational security framework adopted by the majority of prominent corporations, such as Twitter, Facebook, and YouTube. The DMCA has a substantial impact on practices concerning the preservation of content.⁸

This paper examines the digital copyright protection laws of Indonesia. This analysis examines digital copyright protection in Indonesia and draws comparisons to the DMCA, an organization that had previously implemented the same concept.

2. Research Methods

The author employs normative juridical research, which consists of an examination of societal legal practices, judicial decisions, and laws and regulations. The purpose of this descriptive-analytical study is to compare the level of digital copyright protection in Indonesia to that of the Digital Millennium Copyright Act of 1998 (DMCA) in the United States.

3. Result and Discussion

Copyright Protection for Digital Works

3.1. Copyright Law Protection in Indonesia

Indonesia enacted Law No. 28 of 2014 on Copyright as a mean to increase human resources, with the assumption that by protecting copyrighted works, creativity and innovation will emerge. By itself, the quality of human resources will be higher.

A work must meet all specified conditions to receive copyright protection, as copyright protection standards are cumulative. These conditions consist of fixation, creativity, and originality. The first condition is fixation. An idea must first be realized in a tangible form, which means that copyright does not protect an idea until the idea is expressed in a tangible form and can be published or reproduced to provide economic benefits for the creator.

⁷ Pujiyono, Ahmad, S., D. (2019). *Legal Protection for the Creators of Cinematographic Works Against Copyright Infringement Through Streaming and Free Download Sites*. Journal of Legal, Ethical and Regulatory Issues, 22(3). p.4.

⁸ Moch, Z. (2018). *Perbandingan Perlindungan Sarana Kontrol Teknologi Atas Ciptaan Menurut Ketentuan Hak Cipta di Indonesia dan Amerika Serikat*. Legal Spirit, 2(1), p.102.

The second condition is creativity, which requires that the embodiment of ideas in material form be the result of human intellectual creation. It means producing works must involve human creativity, initiative, and feelings.

The final condition in copyright protection standards is originality. Originality is the most important condition for obtaining copyright protection. Non-original works will not be protected by copyright. Originality in copyright refers to the form of expression, not to the underlying ideas. Originality does not lie in the originality of the idea, but rather in realizing it in the special form required to express the idea. Originality does not require novelty in work but requires a creation as a result of the artist's idea and not a creation of an imitation of someone else's work or a public domain work.⁹

The existence of copyright protection is a form of reward and encouragement for creators to continue creating something. Often, the process of creating work is based on motivation to earn for a living. In the creation process, money and time are the two things that are most needed until the work that was previously an idea is successfully realized in a real work. Therefore, copyright protection for a work is necessary.

The copyright definition is defined as follows in Article 1 Paragraph (1) of the Copyright Law.

“The author's exclusive rights are automatically established upon the tangible manifestation of a work in accordance with the declarative principle, unless such manifestation complies with the stipulations of laws and regulations that restrict such rights.”

As per the definition, copyright protection in Indonesia is presumed to be automatic and does not necessitate registration. Specific artistic creations, such as paintings and illustrations, are protected under Section 1 of Article 40 of the Copyright Law. Safeguarding of works that, as specified in Section 3 of Article 40, have been translated into a physical format allowing for replication but have not yet been published.

Copyright is an exclusive right comprising both economic and moral rights, per Article 4. Moral liberties are intrinsic to the creator and non-transferable. Permission is granted to the creator, in accordance with Article 6 of the Copyright Law, to possess copyright management information and copyright electronic information contained within the copyright object, with the intention of protecting moral rights. Digital works encompass pertinent details such as the

⁹ Khoirul, H. (2017). *Hukum Hak Kekayaan Intelektual*. Jatim: Setara Press. p.32.

creator's identity and the nature of the work, among other information contained within these two data formats.

Economic rights, as delineated in Article 8, pertain exclusively to the creator's entitlements to derive economic benefits from their works. Further emphasis was placed in Sections 1, 2, and 3 of Article 9, which stipulated that the economic right to publish, reproduce, adapt, arrange, or transform the work, distribute copies of the work, perform, announce, communicate, and rent the work is vested in the creator, as defined in Article 8.

It is specified in Section (2) that in order to exercise economic rights in the manner outlined in Section 1, one must first obtain the Creator's permission. This is further elaborated upon in Section 3, which prohibits duplication and commercial use of the work without the author's permission.

Moral rights are intrinsic to the creator and cannot be eliminated or removed, notwithstanding the transfer of copyright or associated rights. Moral rights consist of two components. The initial is the right to integrity, which encompasses all treatment and attitudes that are in some way associated with the creator's dignity or integrity. When implemented, this right takes the form of a prohibition on any modification, reduction, or destruction of a work that may jeopardize the integrity of its originator. According to the principle, the work must remain unchanged while maintaining its original form.¹⁰

Following this is the entitlement to paternity. Moral rights require that the creator's identity be disclosed in the work, which can be achieved by employing either their given name or a pseudonym. The author may, under specific circumstances and with their own deliberation, obfuscate their identity and publish the work in an anonymous manner.

The creator retains perpetual validity of their moral rights, which permit them to maintain the use of their name or an alias when their work is made available to the public and to assert those rights against any actions that may be detrimental to their honor or reputation, including distortion, mutilation, modification, or the like.

Moral rights of the author are applicable for the duration of the copyright period for the specific work in question. This is the case, for instance, when the work is modified to conform to societal norms or when the title and sub-title are altered. Moral rights are granted for the sole purpose of preserving the creator's good name or reputation, thereby providing further recognition for their intellectual work.

¹⁰ Soelistyo, H. (2011). *Hak Cipta Tanpa Hak Moral*. Depok: Rajawali Press. p.86.

Although the creator has an exclusive right, it's important to note that this rights should be noted that this right is not absolute, meaning that not all works can receive absolute protection.¹¹ This is because of the fair use doctrine. Eddy Damian defines fair use as certain actions that others can perform without the creator's or copyright holder's consent, ensuring they do not violate copyright law.¹² The fair use doctrine provides copyright protection for the reasonable and limited use of protected material with the aim of reducing copyright infringement.¹³

The existence of copyright objects in digital media has been acknowledged by the regulatory agency. Article 52 of the legislation forbids any action that could compromise, destroy, eliminate, or damage technology control facilities that are employed to safeguard works, products protected by related rights, or copyright or related rights, unless such action is necessary for the defense and security of the state. Furthermore, to prevent copyright infringement through the use of information technology-based methods, the government's authority to:

- 1) Oversee the production and dissemination of material that violates copyright and associated rights;
- 2) Engage in collaborative efforts and synchronize with diverse stakeholders, encompassing both domestic and international entities, to mitigate the production and distribution of copyright-violating material.

Conversely, the EIT Law governs the cyberlaw regime in Indonesia in its entirety. When considering electronic media service systems, digital content and electronic information are synonymous. The definition provided pertains to Article 1 paragraph (1) of the Law.

“Electronic information comprises a collection or a set of data that possesses meaning or can be deciphered by individuals with the ability to comprehend them. Such data may consist of writing, voice, images, maps, designs, photographs, electronic data interchange (EDI), electronic mail, telegram, telex, telecopy, or the like; it may also include processed letters, signs, numbers, Access Codes, symbols, or perforations.”

Article 25 of the EIT Law likewise prescribes the subsequent provision.

¹¹ Riswandi, B. A., Sakti, D. F., Akasih, P. Y. D., Oktavesia, P. D., Himahinayah; P. R. D., Pranahita, W. (2017). Pembatasan dan Pengecualian Hak Cipta di Era Digital. Citra Aditya Bakti PT. p.93.

¹² Damian, E. (2009). Hukum Hak Cipta. Bandung: Alumni. p.115.

¹³ Sulasno, Dwisvimiari, I. (2021). Penerapan Kepentingan Yang Wajar (Fair Use). Mengenai Materi Hak Cipta di Internet. Humani: Hukum Dan Masyarakat Madani, 11(2), p.429.

“Under the provisions of the laws and regulations, electronic information and/or electronic documents compiled into intellectual works, websites, and the intellectual works contained therein are protected as intellectual property rights.”

An additional essential technical regulation, Government Regulation Number 71 of 2019 on the Implementation of Electronic Systems and Transactions (GR 71/2019) functions as the principal technical guideline regulating the administration of electronic systems. Article 96 of the GR 71/2019 regulates Termination of Access in relation to the Takedown procedure. In accordance with the following criteria, access is terminated: contravening statutory provisions, disrupting public order, or providing access to prohibited content in an informed manner. In addition, Article 98 of the GR 71/2019 mandates that the Operator of the Electronic System must terminate access. Termination of Access encompasses various actions, including but not limited to account closure refer, content removal, and blocking access.

3.2. Copyright Protection in the United States

In the United States of America, intellectual property law is a federal responsibility and not a municipal one. Critical to international commerce, this initiative endeavors to promote uniformity in the formulation of intellectual property regulations.

The origins of copyright and intellectual property rights (IPR) legislation in the United States can be historically situated in early European thought, which predates the country's founding. The attribution of copyright provisions in the Copyright Act of 1790, which is enshrined in the United States Constitution, to the Statute of Anne, a pre-existing British copyright law, is therefore not surprising.¹⁴ After decades, this provision would stand as the sole regulation governing copyright in the United States. However, it was subsequently superseded by a revised set of regulations known as the US Copyright Act of 1976.

Original works of authorship fixed in any tangible medium of expression that can be perceived, reproduced, or communicated, either directly or with the assistance of a machine or device, are protected by copyright under § 102. Irrespective of their tangible form, copyright does not afford protection to ideas, procedures, processes, systems, methods of operation, concepts, principles, or discoveries. Copyright law in the United States protects architectural works,

¹⁴ O'Connor, S., D. (2022). *Copyright law from an American perspective*. The Irish Jurist, 37. p.16.

musical works, dramatic works, pantomimes and choreographic works, pictorial, graphic, and sculptural works, motion pictures and audiovisual works, and sound recordings.

§ 106 of the United States Copyright Act granted the copyright holder exclusive authority to perform and authorize any of the subsequent:

- 1) to reproduce the copyrighted work in copies or phonorecords;
- 2) to prepare derivative works based upon the copyrighted work;
- 3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- 4) performing the copyrighted work in public, with the exception of pantomimes, motion pictures, and other audiovisual works; this includes literary, musical, dramatic, and choreographic works;
- 5) Public exhibition of copyrighted works in the following categories: literary, musical, dramatic, choreographic, pantomime, pictorial, graphic, or sculptural; reproduction of specific images from motion pictures or other audiovisual works is also encompassed within this category; and
- 6) Transmission of copyrighted aural recordings to the public via digital audio.

The US, as one of the countries that adopted the Berne Convention, is also exempt from the obligation to register for copyright protection. Artists can obtain copyright protection without necessarily registering for copyright protection.

The accommodation of moral rights in Anglo-Saxon countries is to transform moral rights into economic rights. The US does not fully apply the doctrine of moral rights because of the utility view that influences the US in viewing copyright as a rule needed to provide more benefits to society and does not provide excessive protection to the creator. Protecting economic interests becomes the main point, so that the economic rights of the works are more prominent than the moral rights of the creator.

The Visual Artist Right Act of 1990 was enacted in response to the United States' endeavor, as a follower of common law, to incorporate moral rights into the

United States Copyright Act of 1976. VARA restricts the extent of moral rights to visual art and visual art works exclusively, including sculptures, paintings, drawings, photographs, and photographs. Other types of artistic creations, including novels, audio, and cinematography, are not safeguarded under the VARA.

While the delineation of "a work of visual art" has faced criticism for its omission of video art and restriction of the term "art," the inapplicability of VARA to computer-generated art has garnered criticism for various reasons. A significant portion of digital technology applications fail to satisfy the criteria for "visual art" classification due to their lack of signatures or limited edition status. Furthermore, the implementation of the VARA confers restricted moral rights upon the artist. Damages or intentional mutilation that would be "detrimental to the artist's honor or reputation" are protected by the VARA. In contrast, the majority of artists lack gallery representation and enjoy limited recognition. Hence, in the realm of digital technology, similar to the majority of artistic endeavors, only a select few possess the requisite "honor or reputation" to fulfill the requirements of the statute. The "recognized stature" criterion is similarly unfulfilled by a limited number of works. Therefore, the work of an unrecognized artist is not safeguarded.

As for a digital copyright protection, the US is step ahead than Indonesia by enacting the Digital Millennium Copyright Act (DMCA), having an understanding of the numerous legal issue that must be resolved in regards to digital media and copyright-protected works. In addition, the DMCA signifies the United States' dedication to ratifying the WIPO Copyright Treaty of 1996 (WCT). In recent years, the statute has been implemented to establish liability in cases where unauthorized duplication and use of internet-sourced artwork results in the elimination of all attribution credits that identify the original work's creator.

The DMCA is composed of three novel regulations: the safe harbor doctrine, the takedown procedure, and the anti-circumvention provision. They may be further expounded upon.

1. Anti-Circumvention

The DMCA stipulates that a copyright may implement Technological Protection Measure (TPM) to prevent unauthorized access to and duplication of their works. As stated below, this is one of the mandates of Article 11 of the WCT.

"The Contracting Parties are obligated to ensure that authors have sufficient legal protection and effective legal remedies to prevent the circumvention of technologically advanced measures that restrict actions concerning their works that are neither authorized by the authors involved nor permitted by law and are utilized in the exercise of rights under this Treaty or the Berne Convention"

Additionally, copyright holders can manage their rights in the digital realm by incorporating rights management information into their works. This 'anti-circumvention' feature disallows a third party from utilizing circumvention techniques and devices to access rights management information and TPM.¹⁵

The Anti-Circumvention is regulated in 17 U.S.C § 1201.a.1 DMCA as follows.

"It is strictly prohibited for any individual to bypass a technological safeguard that regulates access to a work protected under this title. The aforementioned prohibition shall become effective upon the expiration of the two-year period commencing from the date this chapter is enacted."

The explicit prohibition on importing products or equipment designed to damage or malfunction the control facilities of the developed technology is outlined in Under Article 1201.b1 of the DMCA. Indonesia, on the other hand, has enacted legislation prohibiting the destruction of technological control facilities.

2. Safe Harbor

The DMCA endeavors to establish a harmonious distribution of rights among internet consumers, operators of electronic systems, and creators. The safe harbor provision, which specifically applies to operators of electronic systems, reflects the objective. In exchange for their cooperation with copyright holders in the enforcement of their rights,

¹⁵ Pistorius, T., Mwim, O., S. (2019). *The Impact of Digital Copyright Law and Policy on Acces to Knowledge and Learning*. Reading & Writing: Journal of the Reading Association of South Africa, 10 (1), p.2.

electronic system providers are exempt from liability for potential copyright violations under a set of conditions known as "Safe Harbor".¹⁶

Safe Harbor provisions are governed by §512(c)(1)(A) through (C), which state that a service provider is not liable for monetary relief if it removes or disables access to the infringing material after becoming aware that such activity is occurring and lacks knowledge of the material and the infringing activity.

The provision's broad applicability, as outlined in the DMCA, aids in comprehending the boundaries of liability for electronic system providers in general with regard to violations that transpire beyond their control. In contrast to Indonesia, the Safe Harbor provision is limited to UGC-based e-commerce and lacks legally binding force. The necessity to restrict the liability of electronic system operators in the event of copyright infringement is therefore mentioned in Article 43 of the Copyright Law, and Article 96 and 98 of GR 71/2019. However, the manner in which these provisions govern the standards for Safe Harbor is rather ambiguous.

3. Takedown Procedure

In accordance with safe harbor regulations, this point delineates the obligation of a service provider to expeditiously remove infringing content once it is brought to its attention, whether by the copyright holder or on its behalf. The DMCA does not require the service provider to determine the status of the asserted copyrighted content at this stage of the procedure. Therefore, following the service provider's notification to the customer regarding the removal of their content in response to the DMCA takedown notice, the individual or entity suspected of uploading the infringing content may file a counter-notification with specific details to support their position.¹⁷

¹⁶ Scott, M. (2005). *Safe Harbors under the Digital Millenium Copyright Act*. Journal of Legislation and Public Policy, 9(99), p.100.

¹⁷ Lane, C.K. (2013). *The DMCA's Safe Harbor Provision: Is it Really Keeping the Pirates at Bay?* Wake Forest Journal of Business and Intellectual Property Law, 14(1), p.199.

The DMCA has not been immune to public criticism. Patria Schroeder, chief executive officer of the Association of American Publishers (AAP), stated the following at the WIPO International Conference in 2001.¹⁸

“Numerous technology firms opposed the DMCA, describing it as a “open model” of the internet that would be destroyed by a “publishers’ model.” We became adversaries of ‘openness’ as a result of our insistence that intellectual property proprietors be safeguarded against piracy”

The specific provision targeted for criticism is the 'anti-circumvention' provision, which restricts competition and innovation among businesses and restricts the fair use of copyright objects for research purposes. In relation to the 'safe harbor' provision, certain stakeholders contend that it may establish an unfavorable precedent by permitting providers to establish their own responsibilities and absolve themselves of responsibility. However, the existence of these provisions is also supported by some. The DMCA is founded upon this common sense: accessing digital content without authorization is immoral, and the technological devices that enable such access should be prohibited. Not only is it unethical, but it threatens the economy.

Under the DMCA, specifically under § 512(c)(3)(A), To request a termination of a copyright-infringing work, one may do so directly from the provider by furnishing the following information:

- 1) the signature of the person who asserts that their rights have been violated;
- 2) identifying the content that has been infringed;
- 3) details regarding the correspondent who is to be contacted;
- 4) a declaration attesting to the veracity of the reporting; and
- 5) a statement attesting to the report's veracity and verifying the reporting authority.

¹⁸ PBwork, "Pros and Cons", dmca.pbworks.com/w/page/17963779/Pros%20and%20Cons

Electronic system providers are required by the DMCA to provide a method for users to report content that infringes upon copyright laws. Access may solely be terminated via the ministry, in adherence to Joint Regulation No. 14 of 2015 and No. 26 of 2015 on the Implementation of Closure of Content and/or User Access Right Violation of Copyright and/or Related Rights in Electronic Systems, issued by the Minister of Communication and Information Technology and the Minister of Law and Human Rights, respectively. This report was subsequently subjected to a verification procedure by a number of copyright-related ministries and institutions. Without a doubt, this procedure will be quite protracted.

The divergence in regulatory scope between the United States and Indonesia can be primarily attributed to their distinct conceptual frameworks. The DMCA merged the notions of digital world and copyright protection; Indonesia, conversely, continues to prioritize traditional protection. To supplement it, additional technical regulations are required.

4. Conclusion

The rapid development and spread of digitalization are generating opportunities and challenges for creators. Easy access to copyright object through the internet provides a good benefit for creators by making it easier for their works to reach a wide audience, or the intended audience. However, easy access increases the likelihood of infringement. The advent of the internet challenged copyright laws to accommodate certainty and order in society. Three fundamental provisions of the Digital Millennium Copyright Act (DMCA) illustrate the integration of copyright protection and the digital realm: safe harbor, anti-circumvention, and the termination procedure. When compared to the US, Indonesia has inadequately regulated these three. Enacting implementing legislation or amending the copyright law is an absolute necessity in order to protect digital copyright objects. Until then, another solution for artists who choose not to register their work for various reasons is to put a watermark on their works to prove that works that they were created and belong to them.

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