



"Indonesian Legislative Best Practice in Combatting Online IPR Infringements"

"Praktik Terbaik dari Per-UU-an Indonesia Dalam Memerangi Pelanggaran Online HKI"

Substance Substansi

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Overview of Legislations in its Jurisdiction

Gambaran Umum dari Per-UU-an Terkait Kewenangan Hukum

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Tantangan dan Praktik Terbaik

Overview of Legislations in its Juridictions

Gambaran Umum dari Per-UU-an Terkait Kewenangan Hukum

1. *Law Number 28 of 2014 Regarding Copy Right
Chapter VIII : Content of Copy Right and Related Right in Information Technology and Communication
Article 54 - Article 56 regulate about Blocking Implementation of Content and/or User Right Access of
Copy Right and/or Related Right Infringement in Electronic System*

Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta
BAB VIII : Konten Hak Cipta dan Hak Terkait Dalam Teknologi Informasi dan Komunikasi
Pasal 54 - Pasal 56 mengatur mengenai Pelaksanaan Penutupan Konten dan/atau Hak Akses
Pengguna yang Melanggar Hak Cipta dan/atau Hak Terkait Dalam Sistem Elektronik

2. *Minister of Law and Human Rights and Minister of Communication and Informatics of Indonesias
Republic Number 14 of 2015 and Number 26 of 2015 Regarding Blocking Implementation of Content
and/or User Right Access of Copy Right and/or Related Right Infringement in Electronic System*

Peraturan Menteri Bersama Menteri Hukum dan HAM RI dan Menteri Komunikasi dan Informatika RI
Nomor 14 Tahun 2015 dan Nomor 26 Tahun 2015 tentang Pelaksanaan Penutupan Konten dan/atau
Hak Akses Pengguna Pelanggaran Hak Cipta dan/atau Hak Terkait Dalam Sistem Elektronik

3.

Government Regulation Number 17 of 2019 Regarding Management of System and Electronic Transaction

Article 33 mention that for a criminal justice process, Operator of Electronic System compulsory provide Electronic Information and/or Electronic Data based on request from investigator that have authority

Peraturan Pemerintah Nomor 71 Tahun 2019 tentang Penyelenggaraan Sistem dan Transaksi Elektronik Pasal 33 menyebutkan bahwa untuk keperluan proses peradilan pidana, Penyelenggara Sistem Elektronik wajib memberikan Informasi Elektronik dan/atau Data Elektronik yang terdapat di dalam Sistem Elektronik atau Informasi Elektronik dan/ atau Data Elektronik yang dihasilkan oleh Sistem Elektronik atas permintaan yang sah dari penyidik untuk tindak pidana tertentu sesuai dengan kewenangan yang diatur dalam undang-undang

4.

Regulation of Minister of Communication and Informatics Number 5 of 2020 Regarding Operator of Electronic System in Privat Scope

Article 32 mention that Operator of Electronic System in Privat Scope give access to Law Enforcement Officer related with criminal investigation, prosecution, or judiciary process in Indonesian Republic jurisdiction

Peraturan Menteri Komunikasi dan Informatika RI Nomor 5 Tahun 2020 tentang Penyelenggara Sistem Elektronik (PSE) Lingkup Privat

Pasal 32 menyebutkan bahwa PSE Lingkup Privat memberikan akses terhadap Aparat Penegak Hukum untuk kepentingan penyidikan, penuntutan, atau persidangan tindak pidana dalam wilayah hukum Negara Kesatuan Republik Indonesia

Challenges and Best Practice

Tantangan dan Praktik Terbaik

Special 301 Report by USTR

1989 1990 1991 1992 1993



1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004



2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015



2016 2017 2018 2019 2020 2021 2022



*Indicates a change in categorisation

Counterfeit & Piracy WL by EU

Review of *Notorious Markets* for Counterfeiting & Piracy :

Physical Market

- Pasar Tanah Abang, Jakarta
- Pasar Mangga Dua, Jakarta

Online Market

- Tokopedia
- Bukalapak
- Shopee

Industrial Submission fo Indonesia

No	Nominator	Nominated Status
1.	ACT The App Association	PWL
2.	Biotechnology Innovation Organization (BIO)	PWL
3.	The International Intellectual Property Alliance (IIPA)	PWL
4.	IP Justice	PWL
5.	The National Association of Manufactures	PWL
6.	The Pharmaceutical Research and Manufactures of America (PhRMA)	PWL and Out of Cycle Review
7.	The American Apparel & Footwear Association (AAFA)	PWL
8.	The International Anti Counterfeiting Coalition, Inc. (IACC)	PWL

No	Nominator	Nominated Status
1.	The Alliance for Trade Enforcement (AFTE)	N/A
2.	Asia Video Industry Association (AVIA)	N/A
3.	BSA The Software Alliance	N/A
4.	The Consortium for Common Food Names (CCFN)	N/A
5.	The Footwear Distributors & Retailers of America (FDRA)	N/A
6.	The Global Data Alliance (GDA)	N/A
7.	Trademark Working Group	N/A
8.	The U.S. Chamber of Commerce	N/A
9.	Intellectual Property Owners Association (IPO)	N/A

INDONESIA FORMED IP TASK FORCE. THE MEMBER OF IF TASK FORCE CONSIST OF :

1.	Directorace General of Intellectual Property, Ministry of Law & Human Right RI Direktorat Jenderal Kekayaan Intelektual, Kemenkumham RI
2.	Directorate of Special Economic Crime, Indonesian National Police Direktorat Tindak Pidana Ekonomi Khusus, Bareskrim POLRI
3.	Directorate of Custom and Exsice, Ministri of Finance RI Direktorat Jenderal Bea dan Cukai, Kemenkeu RI
4.	Direcotorate of Informatic Application, Ministry of Communication & Informatic RI Direktorat Aplikasi Informatika, Kominfo RI
5.	Food and Drugs Agency RI Badan Pengawas Obat dan Makanan RI
6.	Ministry of Foreign RI Kementerian Luar Negeri RI
7.	Misnistry of Commerce RI Kementerian Perdagangan RI
8.	Ministry of Heatlh RI Kementerian Kesehatan RI
9.	Ministry of Education and Culture RI Kementerian Pendidikan dan Kebudayaan RI

Cooperation Inter Ministry

Kerjasama Antar Kementerian



DGIP, Ministry of Law and Human Right with Ministry of Communication & Informatic RI signing Memorandum of Understanding (MoU) in Training Sector, Law Enforcement Sector, and Education Sector

Online Report Pengaduan Online

DIREKTORAT JENDERAL KEKAYAAN INTELEKTUAL
KEMENTERIAN HUKUM & HAK ASASI MANUSIA RI.



Anda punya aduan
tentang kekayaan intelektual?
Adukan sesuai kebutuhanmu yuk !



Pengaduan Pelayanan
& Permintaan Informasi
Kekayaan Intelektual



Pengaduan Kasus
atau Pelanggaran
Kekayaan Intelektual

Online Education

Edukasi Online



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DJKI Edukasi Pedagang ITC Mangga Dua Tekan Peredaran Barang Palsu

DGIP.GO.ID

2.402 tayangan

djki.kemenumham Hai #TemankI... selengkapnya

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DJKI & KANWIL KEMENKUMHAM BALI MUSNAHKAN BARANG BUKTI PERKARA MEREK PALSU

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288.000 Bolpoin Tiruan Asal Tiongkok, Gagal Masuk Indonesia

00:52

7.024 tayangan

djki.kemenumham #TemankI tahu tidak? Pada tanggal 5 November 2021 DJKI bersama Ditjen Bea dan Cukai serta... selengkapnya

Mall Certification Program (Online/Offline)

Program Sertifikasi Mall (Online/Offline)



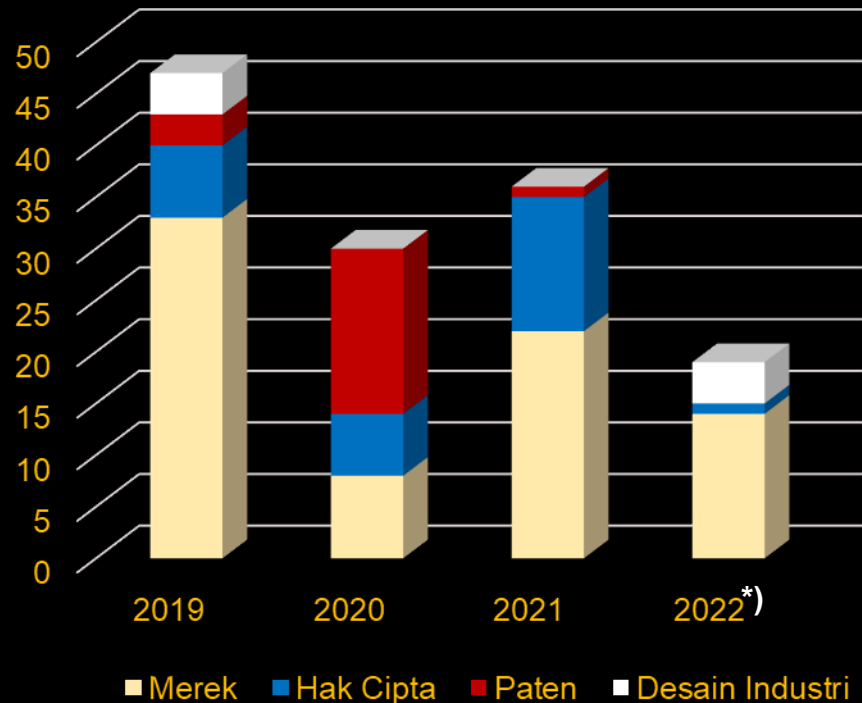
Physical Market

- 1) Shopping Street
- 2) Shopping Centre
- 3) Shopping Percent
- 4) Department Store
- 5) Supermarket
- 6) Superstore



Online Market

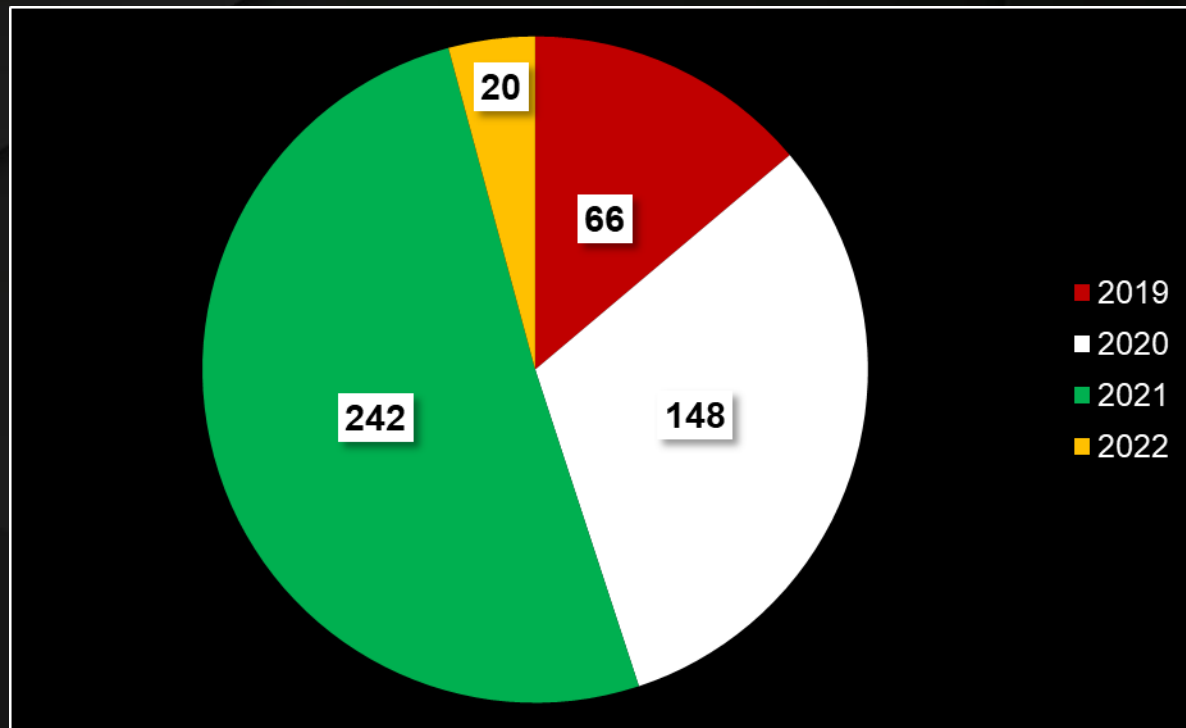
- 1) Listing/ Iklan Baris
- 2) Online Marketplace
- 3) Shopping Mall
- 4) Social Media
- 5) Website Crowdsourcing



IP AREAS	2019	2020	2021	2022
TRADEMARK	33	8	22	14
COPYRIGHT	7	6	13	1
PATENT	3	16	1	0
INDUSTRIAL DESIGN	4	0	0	4
TRADE SECRET	0	0	0	0
LDIC	0	0	0	0
TOTAL	47	30	36	19

*) 2022 = per April

WEBSITE BLOCKING CASES HANDLED BY DGIP



Some of Blocking Website List

Beberapa Daftar Website Diblokir

REPORTER/PEMOHON	QUANTITY/JUMLAH
Motion Picture Association (MPA)	138 website
Copyright Overseas Promotion Association (COA)	14 website
Television Broadcast Limited (TVB)	12 website
PT. Global Imoo Telekomunikasi	1 website
JOSBI Indonesia	1 aplikasi
PT. Produksi Kreatif Anak Bangsa dan APFI	3 website
Pemilik Duniaillkom.com	9 website
Darwis Tere Liye (Penulis Novel)	13 website
Pemilik Indooutbound	1 website
Film <i>The Sacred Riana : Beginning</i>	1 website
PT. Modena Indonesia	26 website
TOTAL	222 website/aplikasi



Thankyou
Terimakasih