

**GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA**  
**NUMBER 1 OF THE YEAR 1989**  
**CONCERNING**  
**TRANSLATION AND/OR REPRODUCTION OF WORKS FOR THE**  
**INTEREST OF EDUCATION, SCIENCE, RESEARCH, AND DEVELOPMENT**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

Considering : That in the implementation of the provisions of article 15 of Law No.6 of the Year 1982 concerning Copyright as amended by Law No.7 of the Year 1987, it is deemed necessary to further issue regulations concerning the implementation of translation and/or reproduction of works for the interest of education, science, research and development.

Bearing in mind :

1. Article 5 section (2) of the Constitution of the Year 1945
2. Law No. 6 of the Year 1982 concerning Copyright (State Gazette of 1982 No. 15, Supplemental State Gazette No. 3217) as amended by Law No. 7 of the Year 1987 concerning the Revision of Law No.6

of the Year 1982 concerning Copyright (State  
Gazette of 1987 No. 42, Supplemental State  
Gazette No. 3362)

HAS DECIDED

To Promulgate : Government Regulation of the Republic of  
Indonesia Concerning Translation And/Or Reproduc-  
tion Of Works For The Interest Of Education,  
Science, Research And Development.

#### Chapter I

#### GENERAL PROVISIONS

#### Article 1

In this Government Regulation :

1. Education shall mean any effort or activity to be carried out in making a trainee prepared for his/her role in the future through instructional, tuition and/or training institution.
2. Science shall mean any knowledge in any major organized in a system furnished with a certain method applicable for the elaboration of particular characteristics of that major.
3. Research and development shall mean a scientific effort systemtically adopted for the invention of novelties, solution of a problem, test of the accuracy of a hypothesis or theory

and search of a practical application.

## Chapter II

### IMPLEMENTATION OF TRANSLATION AND/OR REPRODUCTION

#### Article 2

For the interest of the advancement of education, science and research and development, the government may request a copyright holder of a work, to have his work translated to the Indonesian language and/or reproduced it in the territory of the Republic of Indonesia.

#### Article 3

- (1) The request or then the imposition of obligation as referred to in article 2, will be notified by the Minister of Justice on behalf of the government to the copyright holder after having heard recommendations from the Council of Copyright.
- (2) The notification as referred to in section (1) shall be sent by registered letter by the Minister of Justice through the postal services and where possible through diplomatic channels.

#### Article 4

- (1) The statement of affirmation to respond to the request for implementing the translation and/or reproduction in the

territory of the Republic of Indonesia shall be sent by the copyright holder to the Minister of Justice not later than 8 (eight) months as from the date the letter of notification from the Minister of Justice was received by the postal services.

- (2) The implementation of translation and/or reproduction shall have been commenced by the copyright holder not later than 18 (eighteen) months as from the date of receipt of the letter of notification by the postal services.
- (3) In the event the translation and/or reproduction are/is executed through licence agreement, the said translation and/or reproduction shall be executed in cooperation with an Indonesia legal entity dealing with among other thing publication.

#### Article 5

In certain situation, the government may consider the request of the copyright holder not to execute the translation and reproduction of work at the same time, but only reproduction.

#### Article 6

If within the period as referred to in article 4 section (1) the copyright holder states in writing that he will not affirm to respond to the request to execute the translation and/or

reproduction as referred to in article 2 or does not comment at all, the copyright holder will be notified that he shall have the obligation to grant licence to an Indonesian legal entity dealing with among other thing publication to execute translation and/or reproduction of his work in the territory of the Republic of Indonesia.

#### Article 7

- (1) If the copyright holder states in writing that he is not affirmed to respond to the obligations as referred to in article 6 or does not comment at all, the government itself shall execute the translation and/or reproduction by paying a reasonable royalty to the copyright holder.
- (2) Further implementation of the provision as referred to in section (1) shall be stipulated by the Minister of Justice after having heard recommendations from the Council of Copyright..
- (3) The execution of the translation and/or reproduction as referred to in section (1) shall not constitute infringement of a copyright.

#### Article 8

The copyright in a translation shall be recognized as a separate work and shall obtain protection under the copyright law, provided that moral right of the copyright holder is observed.

#### Article 9

- (1) The government shall conduct supervision on the circulation and the utilization of the work generated from the execution of the translation and/or reproduction under this Government Regulation.
- (2) All translations and/or reproductions of a work generated in accordance with this Government Regulation shall be intended solely for the interest of education, development and to meet the requirements in the territory of the Republic of Indonesia.
- (3) Further implementation of the provisions as referred to in section (1) and (2) shall be made by the Minister of Justice after having heard recommendations from a Minister or Chairman of other institutions whose duty and right are related to such case.

#### Chapter III

##### ASSESSMENT OF THE INTEREST AND NEED

##### TO EXECUTE TRANSLATION AND/OR REPRODUCTION OF A WORK

#### Article 10

The Assessment that a work is important and useful for the development and advancement of education, science, and research and development, so that it is necessary to be translated and/or

reproduced in the territory of the Republic of Indonesia, shall be executed by the Minister of Justice with due observance to the recommendations from the Council of Copyright.

#### Article 11

- (1) Educational institutions in Indonesia run by the government as well as by private and other institutions having interest with the advancement of science and activity of research and development, may submit proposal to the Minister of Justice that a work needs to be translated and/or reproduced in the territory of the Republic of Indonesia.
- (2) The proposal as referred to in section (1) shall be filed with the Department of Education and Culture and a copy thereof is sent to a Minister whose competence relates to that work.
- (3) The proposal as referred to in section (1) and section (2) shall be furnished with a model of the intended work, basic idea, purpose to achieve, actual benefit to obtain and other things underlying such proposal.

#### Article 12

If at the same time two proposals or more dealing with the same field of interest and contains nearly similar substance are received, the Department of Education and Culture shall be

obligated to give clear consideration whether only one of such proposals shall be chosen or it is necessary to consider all of them.

#### Article 13

- (1) In view of the provision as referred to in article 10, the Minister of Justice shall determine approval or declination upon proposal and consideration as referred to in articles 11 and 12.
- (2) The approval or declination upon such proposal and consideration, and determination that a work needs to be translated and/or reproduced in the territory of the Republic of Indonesia, along with the imposition of obligation towards the copyright holder shall be executed by the Minister of Justice with due observance to the recommendations from the Council of Copyright.

#### Chapter IV

##### Procedure of Notification of the Request And Imposition of Obligation

#### Article 14

- (1) The Minister of Justice shall directly send a letter of notification concerning the request as referred to in articles 2 and 3 to the copyright holder containing :



- a. Clear reason underlying the request.
- b. Title or name of the work.
- c. Request for translating and/or reproducing such work in the territory of the Republic of Indonesia.
- d. Number of translation and/or reproduction needed by specifying each volume of a work.
- e. Time limit given to the copyright holder to state his affirmation and/or reproduction, the manner of meeting the request and in the event that the translation and/or reproduction will be executed through agreement/licence, the name of the appointed Indonesian legal entity.
- f. Rights owned by the copyright holder.
- g. Other matters knowledgable to the copyright holder.

#### Article 15

- (1) In the event the copyright holder states his affirmation to execute translation and/or reproduction, such execution shall have to start not later than the period of 18 (eighteen) months as referred to in article 4 section (2).
- (2) If the execution of translation and/or reproduction will be made through a licence agreement, whereby the copyright holder faces a problem due to disagreement regarding the amount of royalty or procedure of payment, the Minister of Justice upon the request of the parties concerned may carry

out his efforts for concluding such agreement.

#### Article 16

- (1) If within the period as referred to in article 4 section (1) the copyright holder does not comment at all the request to execute translation and/or reproduction or declines the same, the Minister of Justice shall send a letter of notification to the copyright holder concerning the obligation to grant a licence as referred to in article 6.
- (2) The letter of notification as referred to in section (1) shall be sent with due observance to the provisions concerning the procedure and other matters as referred to in this Government Regulation.
- (3) In the event that the copyright holder grants a licence as referred to in section (1), the grant of licence shall have been executed within a period of 10 (ten) months as from the date of receipt of the letter of notification by the postal services.

#### Article 17

- (1) If the copyright holder states in writing that he is not affirmed to fulfil the obligation as referred to in article 16 section (1), or does not comment at all, whereas the letter of notification sent to him through the postal

services is not returned to the Minister of Justice, or he does not execute translation and/or reproduction as referred to in article 15 section (1) and article 16 section (2), the Minister of Justice shall, with due observance to the recommendations from the Council of Copyright, determine that the translation and/or reproduction of work be executed by the government itself.

- (2) The Minister of Justice shall, after holding consultation with other relevant Minister, appoint a state-run company dealing with among other thing publication, for and on behalf of the Government to execute the translation and/or reproduction of the work concerned.

#### Article 18

The provisions as referred to in article 17 shall also apply to the Indonesian legal entity being granted a licence by a copyright holder to translate and/or reproduce a work in the territory of the Republic of Indonesia who does not execute such translation and/or within the stipulated period.

#### Article 19

- (1) The stipulation on the execution of translation and/or reproduction to be made by the government itself shall be notified by the Minister of Justice by registered letter to the copy-

right holder through the postal services or where possible through diplomatic channels.

- (2) The execution of translation and/or reproduction by the government as referred to in article 17 shall be made with payment of royalty, the amount, manner of computation and procedure of its delivery of which shall be based on this Government Regulation.

#### Chapter V

#### ROYALTY

#### Article 20

- (1) The Minister of Justice shall, with due observance to the recommendations from the Council of Copyright, determine the amount of royalty to be paid to the copyright holder upon the translation and/or reproduction of work by the government itself.
- (2) The amount of royalty shall be determined with due regard to the components or elements of cost and procedure of common computation used by a licence on publication.

#### Article 21

- (1) Delivery of royalty shall be made in a speedy and easy manner directly to the copyright holder.

(2) Implementation of the provision regarding delivery of royalty shall be further stipulated by the Minister of Justice with due observance to the recommendations from the Council of Copyright and the Minister of Finance.

#### Article 22

In the event the copyright holder declines to receive the royalty computed pursuant to the provision as referred to in article 20, such royalty shall be deposited at the District Court of Central Jakarta.

#### Chapter VI

#### CONCLUDING PROVISIONS

#### Article 23

This Government Regulation shall take effect as of the date of its promulgation.

In order that every person be thereby informed this Government Regulation shall appear on a State Gazette of the Republic of Indonesia.

**PROMULGATED IN JAKARTA**

**ON JANUARY 14, 1989**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

Signed

**SOEHARTO**

**ENACTED IN JAKARTA**

**ON DECEMBER 29, 1989**

**MINISTER/STATE SECRETARY OF**

**THE REPUBLIC OF INDONESIA**

Signed

**MOERDIONO**