

ABSTRACT

CREATIVE COMMONS LICENSE AS AN ALTERNATIVE COPYRIGHT LICENSE IN INTERNET

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The internet presence has facilitated internet users easily in accessing and distributing information. However, most of information in internet are the works protected by copyright. This led internet users face difficulty to find legal copyrighted works in internet. On the other hand, Creative Commons Corporation offers solution by providing a set of licenses as an alternative copyright license in internet that enables authors who want to expand their work to the greater internet users legally and freely. The rapid growth of utilization of creative commons license for the uploaded copyrighted work in internet evoked potential legal disputes globally. Therefore, it matters to identify the legal arrangements of creative commons license based on Law of The Republic of Indonesia Number 19 Year 2002 concerning Copyright (Indonesian Copyright Law), the validity requirement of creative commons license as license agreement in internet, and legal impacts of violation of the terms of creative commons license.

This research is a normative research with descriptive research type. The problem approach of this research is a statute approach. Data used in this research are secondary data by being analysed qualitatively.

The results of this research show that creative commons license is one of a license agreement form which is referred to Article 45 of Indonesian Copyright Law by agreement without royalty. According to the provision of Article 47 of Indonesian Copyright Law, the non exclusive nature of creative commons license is not resulted unfair competition. Creative commons license is an electronic contract with standard clauses which qualified the validity requirement of contract and binds the parties. There are two legal impacts arising from the violation of the terms of creative commons license, that are legal impact based on breach of contract and legal impact based on copyright infringement. Both of these legal impacts give the options to copyright holder to take the annulment of contract and can be followed by lawsuit to seek legal remedies for damages.

Key Words: Copyright Law, Creative Commons License, Internet.