

KEPUTUSAN PRESIDEN REPUBLIK INDONESIA
NOMOR 38 TAHUN 1993
TENTANG
PENGESAHAN AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC
OF INDONESIA AND THE GOVERNMENT OF AUSTRALIA CONCERNING
THE PROTECTION AND ENFORCEMENT OF COPYRIGHT

PRESIDEN REPUBLIK INDONESIA,

Menimbang:

- a. bahwa di Jakarta pada tanggal 17 Nopember 1992 Pemerintah Republik Indonesia telah menandatangani Agreement between the Government of the Republic of Indonesia and the Government of Australia Concerning the Protection and Enforcement of Copyright sebagai hasil perundingan antara Delegasi-delegasi Pemerintah Republik Indonesia dan Pemerintah Australia;
- b. bahwa sehubungan dengan itu, dan sesuai dengan Amanat Presiden Republik Indonesia kepada Ketua Dewan Perwakilan Rakyat Gotong Royong Nomor 2826/HK/1960 tanggal 22 Agustus 1960 tentang Pembuatan Perjanjian-perjanjian dengan Negara Lain, dipandang perlu untuk mengesahkan Agreement tersebut dengan Keputusan Presiden;

Mengingat :

Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar 1945;

MEMUTUSKAN:

Menetapkan:

KEPUTUSAN PRESIDEN REPUBLIK INDONESIA TENTANG PENGESAHAN AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF AUSTRALIA CONCERNING THE PROTECTION AND ENFORCEMENT OF COPYRIGHT.

Pasal 1

Mengesahkan Agreement between the Government of the Republic of Indonesia and the Government of Australia Concerning the Protection and Enforcement of Copyright yang telah ditandatangani Pemerintah Republik Indonesia di Jakarta pada tanggal 17 Nopember 1992 sebagai hasil perundingan antara Delegasi-delegasi Pemerintah Republik Indonesia dan Pemerintah Australia yang salinan naskah aslinya dalam bahasa Inggris sebagaimana terlampir pada Keputusan Presiden ini.

Pasal 2

Keputusan Presiden ini mulai berlaku pada tanggal ditetapkan.

Agar setiap orang mengetahuinya, memerintahkan pengundangan Keputusan Presiden ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Ditetapkan di Jakarta
pada tanggal 15 Mei 1993
PRESIDEN REPUBLIK INDONESIA

ttd.

SOEHARTO

Diundangkan di Jakarta
pada tanggal 15 Mei 1993
MENTERI SEKRETARIS NEGARA
REPUBLIK INDONESIA

ttd.

MOERDIONO

CATATAN

AGREEMENT
BETWEEN
THE GOVERNMENT OF AUSTRALIA
AND
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
CONCERNING
THE PROTECTION AND ENFORCEMENT OF COPYRIGHT

WHEREAS the Government of Australia and the Government of the Republic of Indonesia (hereinafter referred to as "The Parties") wish to further promote the close and friendly relations between the countries;

RECOGNISING the benefits to be derived by both Parties from the reciprocal protection and enforcement of copyright in their respective countries;

HAVE AGREED as follow :

Article 1

DEFINITIONS

For the purposes of this Agreement :

- (1). "territory"
 - (a). in respect of the Republic of Indonesia means the territory under the sovereignty of the Republic of Indonesia and such parts of the continental shelf and the adjacent seas over which the Republic of Indonesia has sovereignty, sovereign rights as well as rights in accordance with the 1982 United Nations Convention on The Law of The Sea.
 - (b). in respect of Australia means the territory under the sovereignty of Australia and the adjacent seas over which Australia exercises its sovereignty consistent with the 1982 United Nations Convention on the Law of the Sea, and other adjacent seas and the continental shelf over which australia exercises sovereign rights or other rights in accordance with that Convention;
- (2). "copyright works" means such works or other subject matter to which a Party accords protection and enforcement under its own copyright laws and procedures.

Article 2

SCOPE OF PROTECTION

The reciprocal protection and enforcement to be accorded by each Party under this Agreement shall apply to :

- (a). copyright works in existence after the entry into force of this Agreement; and
- (b). copyright works in existence before the entry into force of this Agreement, provided that no act by a person before the entry into force of this Agreement shall be taken to constitute an infringement of the copyright in, or in respect of, those works.

Article 3

RECIPROCITY OF PROTECTION AND ENFORCEMENT

- (1). In accordance with its respective laws and procedures, each Party shall accord to the copyright works of citizens, residents or corporations which are entitled to copyright protection and enforcement in the territory of the other Party, copyright protection and enforcement on the same basis as that accorded to the copyright works of its own citizens, residents or corporations.
- (2). Notwithstanding paragraph (1) of this Article, where a Party does not provide copyright protection and enforcement on the same basis as that accorded by the other Party, a Party may, in giving effect to this Agreement, except or modify the application of its copyright laws in its territory to the copyright works, or a class of copyright works, of citizens, residents or corporations of the other Party, without prejudicing their copyright protection which has been accorded in the territory of the other Party.

Article 4

NON-DISCRIMINATION

With regard to the protection and enforcement of copyright works, any advantage, favour, privilege or immunity granted by a Party to the nationals of any third country shall be accorded immediately and unconditionally to the nationals of the other Party. Exempted from this obligation is any advantage, favour, privilege or immunity accorded by a Party :

- (a). Deriving from international agreement or arrangements on judicial assistance and law enforcement of a general nature and not particularly confined to the protection of copyright works;
- (b). Granted in accordance with the provisions of the Bern Convention for the Protection of Literary and Artistic Works of 9 September 1886, as revised from time to time and at Paris on 24 July 1971, or the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, done at Rome 26 October 1961, authorizing that the treatment accorded be function not of national treatment but of the treatment accorded in another country.

Article 5

DISPUTE RESOLUTION

Any dispute between the Parties relating to the implementation or interpretation of this Agreement shall be settled amicably by consultation or negotiation.

Article 6

AMENDMENTS

Taking account of the development of intellectual property, this Agreement may be amended at any time through negotiation or consultation between the Parties.

Article 7

ENTRY INTO FORCE AND TERMINATION

- (1). This Agreement shall come into force on the date of the last notification by which the Parties notify each other through diplomatic channels that their constitutional requirements for the entry into force of this Agreement have been fulfilled;
- (2). This Agreement may be terminated at any time by either Party upon written notice six months prior to its termination.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at Jakarta this day of November of the year one thousand nine hundred and ninety two in the English language.

FOR THE GOVERNMENT OF

AUSTRALIA

SENATOR GARETH EVANS

Minister for Foreign Affairs
and Trade

FOR THE GOVERNMENT OF THE
REPUBLIC OF INDONESIA

ALI ALATAS

Minister for Foreign Affairs

Kutipan: LEMBARAN LEPAS SEKRETARIAT NEGARA TAHUN 1993

Sumber:LN 1993/39