

## Advantages of Copyright Law in the Digital Age: Challenges and Opportunities for Content Creators

Gunawan Widjaja<sup>†</sup>

Faculty of Law, Universitas 17 Agustus 1945 Jakarta, Indonesia

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The research aims to observe the benefits of copyright law in the digital age by understanding the challenges faced and identifying opportunities for content creators. Copyright in the digital age presents unique challenges and opportunities; challenges mainly centered on law enforcement and copyright infringements and opportunities connected with accessibility and creative development opportunities provided by digital technologies. The research method used is a qualitative approach through literature research. The data used are secondary data. The research sources include academic articles, laws, and regulations related to copyright, as well as other quality literature. This research finds that copyright law in the digital age has complex and challenging dynamics. Copyright violations often occur because of the ease of sharing and copying content online, making law enforcement often difficult. Nevertheless, the digital age also provides opportunities for content creators, such as ease in reaching global audiences and opportunities for creative innovation. Therefore, content creators must have sufficient knowledge of copyright to be able to protect and maximize the value of their work in the digital age. The findings of this research underscore the importance of copyright knowledge for content creators in the digital age.

**Keywords:** Dynamics, Law, Copyright, Digital Age, Challenges, Opportunities, Content Creators

Technological advances have had an enormous impact on human life in many aspects. From communication to transportation, technology has revolutionized how people live and interact.<sup>1</sup> Technological advances are meant to provide positive benefits and make our everyday lives easier. For example, in the field of communication, technology has allowed us to communicate with others without significant geographical constraints. In the field of economics, the presence of technology also helps improve and develop through automation and efficiency of business processes.<sup>2</sup>

Regarding transportation, technologies like self-driving cars and intelligent transportation systems drive safer and more efficient travel experiences. Moreover, information technology advances have changed how we access and disseminate information, making it easier to live everyday life.<sup>1</sup>

Besides, with rapid advances in information and communication technology, the world has entered a digital age that has fundamentally changed how we create, distribute, and consume content.<sup>3</sup> Content creators, ranging from writers and musicians to graphic designers and filmmakers, now have a platform to reach an unimaginable global audience.<sup>4</sup>

However, this ease of access also brings unique challenges regarding copyright and intellectual work protection.<sup>5</sup>

Copyright and Intellectual Works are two important concepts in intellectual property law, especially in the digital and creative world. Copyright protects various works, including books, films, music, graphic design, software, and other digital content.<sup>6</sup> They protect creator's work from unauthorized use and recognize their efforts and creativity.<sup>6</sup> Copyright is the exclusive right granted by law to the work's creator. This right protects the work from being stolen, embezzled, or used by others without permission. In copyright law, there are two types of rights: economic and moral. Economic rights are the right to duplicate, distribute, and make money from the work.<sup>7</sup> Meanwhile, moral rights are the rights to obtain recognition as the creator and protect the work from distortion or harmful alteration. Intellectual works, or intellectual property, are the production of thoughts, inventions, designs, and creative processes produced by a person or an organization.

Besides the Copyright, the other Intellectual Works known as industrial property belong to trade and industrial innovation. A patent is an exclusive right granted to an inventor for a new invention.<sup>8</sup> A trademark is a trademark or logo that distinguishes the

<sup>†</sup>Corresponding author: <sup>†</sup>Email: widjaja\_gunawan@yahoo.com

products or services of one company from another. A trade secret is an unknown business information that is publicly available and provides a competitive advantage to its owners.<sup>9</sup>

It is important for any content creator, inventor, or business owner to understand copyright and intellectual property. They not only protect works or inventions but are also valuable business assets.

Therefore, with the convenience of information technology, dissemination and access to work has become much easier and faster. However, it also brings its own challenges in protecting copyright and intellectual property, for example, Digital Rights Management (DRM), the Digital Copyright Act, Digital Works Licensing and Distribution, Piracy and Copyright Enforcement, and Digital Works Security.<sup>9,10</sup>

Overall, the advancement in development of information technology and it facilitates have provided easy and quick distribution and access to works. Besides it also creates opportunities and challenges in copyright management. Creators, users, and stakeholders in the IT industry need to continue adapting and innovating to protect their copyright in this digital age.

On the one hand, information technology has great benefits for copyright, but on the other, it has negative consequences, such as copyright infringement and content piracy, are becoming increasingly common with the expansion of digital platforms that enable the distribution of works quickly and widely. At the same time, existing copyright laws, such as the Indonesian Copyright Act No. 28 of 2014, feel outdated and are not synchronized with today's digital reality, causing uncertainty for creators in protecting their rights.<sup>10,11</sup>

The issue raises the potential for conflict and collaboration between stakeholders, including creators, consumers, technology companies, and regulators. So, this research aims not only to identify the challenges that content creators face but also to explore opportunities that can be achieved with the benefits of copyright law to succeed in the digital age.

Thus, the research is expected to provide new perspectives for creators, users, and policymakers on how copyright law can be adapted and applied effectively in an ever-expanding digital environment.

### Research Method

The research method conducted by researchers in the context of this research uses literature studies.<sup>12</sup> It

involves activities related to library data collection methods, reading and recording, and managing research materials.<sup>13,14</sup> As researchers, the method used in this research is to find relevant keywords in catalogs, indexes, and machines, and analytical descriptive methods are used by collecting, identifying, compiling, and analyzing the various data found.<sup>15,16</sup>

## Result and Discussion

### Copyright Law: History and Development

Copyright law is a part of intellectual property law that aims to protect the creator's exclusive rights to his or her work. This includes moral and economic rights allowing creators to control their work's use, including the right to copy, distribute, and modify the work.<sup>6</sup> In Indonesia, the Republic of Indonesia governs Copyright Act No. 28 of 2014 on Copyright. This law affirms that copyright is an intellectual property in science, art, and literature that has a strategic role in supporting the nation's development and advancing the general well-being.<sup>17,18</sup>

Copyright protects various works, including written works, music, art, films, and software. Protection is granted since the work was created and exists without registration, though registration can provide strong proof of copyright ownership. Copyright infringement, such as unauthorized use or plagiarism, can result in legal sanctions of a fine or imprisonment for the offender.<sup>19</sup>

Copyright law has a long history that evolved with technological and cultural advances. The history of modern copyright can be seen from the pre-Gutenberg era around 1310. Historically, copyright in Indonesia has involved various legislative changes, ranging from the Dutch colonial era to the present. In the Dutch Indie era, the first laws on protecting intellectual property rights were introduced in 1844.<sup>20</sup>

Various rules have evolved throughout history to become what we know today. For example, in 1885, 1910, and 1912, various laws related to patents and copyright were enacted in Indonesia. The copyright holder usually enforces the copyright in civil and criminal law. The implementation and monitoring of copyright laws continue to ensure that the creators' works remain protected.<sup>21</sup>

The development of copyright law has been going on for centuries, closely linked to the change in technology, industry, and methods of distribution of works.<sup>22</sup> Here is a broad line of how copyright law evolved over time:

- (i) Early beginnings. Statute of Anne (1710): The Statute of Anne was introduced in 1710 in England and became the first modern copyright regulation to protect the copyright of the author's work.
- (ii) The era of industrialization. 19th and 20th centuries: Increased publishing and copying triggered the need for stronger copyright laws.
- (iii) International Conventions and Agreements;
  - a) the Berne Convention (1886): Creating standards of copyright protection among member States that continue to evolve to this day;
  - b) the TRIPS Agreement (1994): This is part of the WTO that regulates international trade, including aspects of intellectual property rights.
- (iv) The Digital Age;
  - a) The end of the 20th and early 21st centuries: The digital transformation and the Internet resulted in a massive revision of copyright law to address issues related to the digitization and distribution of works online;
  - b) The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) are examples of updated agreements for the digital age.<sup>23,24,25</sup>

The development of copyright law is ongoing to address new problems that arise along with technological innovation, social and cultural changes in societies, and the dynamics of global trade. This process involves many stakeholders, including creators, consumers, technology companies, government agencies, and international organizations.

#### Copyright in the Digital Age

As explained before, to emphasize here, the author would like to highlight that Copyright is specific and different from other kinds of Intellectual Works. It is because the exclusive right in Copyright is automatically granted to the author of his works. It does not need an application from the inventor. It can be science, art, literature, or computer programs. The scope of copyright is very broad, protecting the various forms of original expression and ideas embodied in physical forms.<sup>26</sup> This right gives the creator the authority to control the use of his work by others, gives him the right to preserve the integrity of his or her work, and the right to obtain compensation for the use by others.<sup>27</sup>

Copyright in the digital age is becoming increasingly relevant and complex as technology

advances and new ways of creating, distributing, and accessing works. The digital age presents new challenges and opportunities for copyright holders, consumers, and legislators.<sup>27</sup>

Here are some key aspects of copyright in the digital age:

- (i) Exclusive Copyright protection. With the ease of duplicating and distributing digital works, copyright infringement becomes more difficult to prevent. The copyright law has been updated to cover digital distribution and ensure copyright holders can take legal action against activities that violate their rights.
- (ii) Digital Rights Management (DRM): DRM technology controls digital content use and restricts how works can be transferred, copied, or shared. Although effective in protecting copyright, DRM is often controversial as it can restrict legitimate use by consumers.
- (iii) Creative Commons. Creative Commons is a licensing system designed to extend the way others can use the work with the copyright holder's consent. It provides tools for copyright holders to grant some rights to their work, facilitating sharing and collaboration.
- (iv) Digital libraries and open access. Institutions like libraries work to provide digital access to works, sometimes through a model of adaptive copyright agreement such as 'open access' that promotes the dissemination of knowledge without infringing copyright.
- (v) Fair Use and Public Expectations. Norms surrounding 'fair use' or reasonable use in a digital context often overlap and require a legal review. Public expectations about free access to digital content often conflict with the rights of copyright holders.
- (vi) Anti-Piracy Regulations. International laws and regulations, such as the DMCA in the US and similar regulations in other countries, have been approved to deal with piracy and online copyright infringements.
- (vii) Online platforms and content hosting. Services like YouTube, Spotify, and other social media platforms have created new mechanisms to support copyright through systems that automatically detect and remove copyright infringement content.<sup>27,28,29</sup>

Copyright law in the digital age continues to evolve to adapt to technological innovation, address

emerging problems, and find a balance between protecting authors' rights by providing access and freedom to users.

#### **Copyright Challenge for Content Creators**

Content creators are individuals responsible for producing various types of media content, such as written images, videos, or audio, to be displayed on various digital platforms such as websites, YouTube, TikTok, Instagram, and others. The primary task of a content creator is not only to create content but also to promote it to reach the target audience.<sup>30,31</sup>

The challenges of copyright in the digital age consist of:

##### **(i) Copyright infringement and piracy**

Copyright violations and piracy are frequently emerging issues in the field of intellectual property, especially in an increasingly digital world. They significantly impact creators, creative industries, and the economy in general.<sup>6</sup> Copyright infringement occurs when a copyrighted work is used, reproduced, distributed, or exploited without the permission of the copyright holder. It could cover all forms of work, from music, movies, books, software, and digital artwork. Copyright violations can occur on a small to large scale and have serious legal consequences, ranging from fines to imprisonment for perpetrators.<sup>32</sup>

Piracy is a form of copyright infringement that relates, in particular, to the illegal disposal and distribution of copyrighted material, especially for commercial purposes. Piracy is often associated with movies, music, software, and video games. Digital technology and the Internet have made piracy easier and wider, causing huge economic losses to the affected industries.<sup>33</sup>

Copyright violations and piracy are complex issues requiring a layered approach. They are detrimental to the economy and undermine creativity and innovation. A combination of regulation, technology, education, and public awareness can reduce the incidence of copyright infringement and piracy and protect creators' rights and income.<sup>34,35</sup>

##### **(ii) Each Work has its copyrights that may give rise to royalty sharing and content monetization**

Copyright exclusively allows each creator to use the creations of others as part of their own. Therefore, it is becoming common for royalty sharing and content monetization to be challenging for all creators. They should be able to understand and use this "challenge" to benefit them.

Sharing royalties and monetizing content is important for content creators to earn income. It involves various mechanisms and platforms allowing creators to earn money.<sup>36</sup> Content monetization refers to the process of generating revenue from the content that has been created. Content creators commonly use several methods for monetization, including advertising, subscription or membership, product sales, license and syndication, donations, and crowdfunding.<sup>37</sup>

Royalties are payments given to content creators based on the use of their work. The distribution of royalties is often regulated in license agreements or distribution agreements and depends on many factors, including Contracts, Distribution Platforms, Copyright Associations, and Direct Sales.<sup>38</sup>

Understanding how to monetize content and royalty-sharing is essential for content creators to maximize their revenue. Since the creative industries are so diverse and growing, content creators must keep up with the latest changes in copyright law, platform policies, distribution technology, and consumer trends to ensure they receive fair pay for their work.<sup>38,39</sup>

##### **(iii) Regulatory uncertainty and legal interpretation of Content Creator Copyright**

Regulatory uncertainty and legal interpretation can significantly impact copyright and protection provided to content creators. Technological developments, new media, and changing ways of distribution often raise questions about how copyright is enforced. Some aspects of uncertainty can affect content creators: Technological development, changes in content distribution, legal and precedent interpretations, license agreements and contracts, and legal reforms.<sup>40</sup> While legal uncertainty is a challenge, by ensuring that they proactively seek legal advice and follow changes in the law, content creators can protect their intellectual rights while continuing to innovate and produce new works.<sup>41</sup>

#### **Copyright Opportunities for Content Creators**

Copyright provides an extraordinary opportunity for content creators to protect and monetize their work. Here are some of the possible opportunities:

- (i) **Control of the Work.** Copyright gives creators exclusive control over their work's use, distribution, and public appearance. This means that creators can regulate how, where, and by whom their work is used.

- (ii) Monetization. Copyright allows creators to earn income from their work through direct sales, use of licenses, or royalties. If their work is used by others (e.g., used in movies, advertisements, or public appearances), creators are entitled to a royalty.
  - (iii) Protection against abuse. Copyright gives creators the right to take legal action against the abuse or unauthorized use of their work. This can help prevent plagiarism and support creativity and innovation.
  - (iv) Recognition and Promotion. Copyright ensures that creators get recognition for their work. By registering copyright, creators' work is given legal legitimacy that can improve reputation and facilitate promotion.
  - (v) Transfer or inheritance. Copyright can be sold, rented, or given like any other physical property. This means that copyright can be a valuable asset that can be transferred or passed on.
  - (vi) Increasing the Non-Fungible Token (NFT) market. NFTs are considered assets that are difficult to exchange for similar goods. NFTs are unique assets. With the explosion of the NFT market, content creators can sell their unique digital work directly to consumers. NFT allows digital work to be tokenized so that its sole owner can be verified, creating new potential for monetization in the digital economy.<sup>31,30</sup>
- a) Copy Restrictions: DRM allows creators to restrict the use of unauthorized copies of their digital content.
  - b) Rights of Use Management: With DRM, publishers can limit access time or the number of devices that can access certain content.
  - c) Content Usage Tracker: The DRM enables the recording and tracking of content usage, which can help enforce license agreements and identify copyright infringements.<sup>43</sup>

Although effective in some ways, DRM is often criticized for limiting users' rights to legitimate content they buy and the technical complications that may arise.

Meanwhile, Blockchain offers a new and innovative way to manage digital rights. It is a transparent and immutable distributed ledger, which means that the information stored in it cannot be altered or deleted.<sup>43</sup>

Blockchain exploitation can be used:

- a) Certification of ownership: Blockchain technology can be utilized to conduct digital certification of the work, where creation, date, and ownership can be verified.
- b) Automatic License Agreement: Through smart contracts, license transactions between creators and users can be automated and programmed to ensure the license terms comply.
- c) NFT (Non-Fungible Tokens): NFT, based on blockchain technology, allows digital works to be unique and non-exchangeable, provides unquestionable proof of ownership, and facilitates the monetization of digital content.
- d) Transparency and Tracking: A blockchain-based system allows creators to track the use and distribution of their work in real-time, thus facilitating the detection and detection of unauthorized use.<sup>43,44</sup>

Implementation of blockchain technology in copyright protection is still relatively new and challenging, especially in terms of scalability and market acceptance, but its potential to change the way copyright is managed and protected is enormous.

Thus, DRM and blockchain offer different approaches to protecting copyright and creator work in the digital age. DRM's scope in restricting access to and use of digital content makes it an option for many industries, while blockchain offers revolutionary potential in verifying, managing, and monetizing copyright in a transparent and decentralized manner.

To maximize these opportunities, content creators must fully understand and exercise their rights and protect themselves from copyright infringement. This could include official copyright registration, negotiating fair licensing contracts, and keeping evidence of copyright infringement if necessary.

#### Copyright Advantages for Content Creators

Besides, Copyright Opportunities for Content Creators can take advantage of:

- (i) Using technology for content protection

Technology (such as Digital Rights Management (DRM), and blockchain) is critical in helping content creators protect and manage their copyrights. Two technological approaches that are very evolving in this regard are (DRM) and blockchain. DRM is a set of technologies used by publishers, content creators, and the entertainment industry to control digital usage and limit the way buyers or viewers can use content. DRM is used in various digital media formats including music, movies, e-books, and software.<sup>42</sup>

DRM exploitation can be done with:

Both of these technologies, both separately and combined, can provide a powerful tool for creators to control and leverage their work in the digital marketplace.

(ii) Content licensing and distribution strategy

Content licensing and distribution strategies play an integral role in how content creators generate revenue and drive the reach of their work.<sup>45</sup> Here are some strategies that can be implemented:

First, License Options. This type consists of two categories;

- a) Full exploitation. In this method, creators hold and exercise all rights to their work and usually apply licenses that prohibit the use of the work without permission and payment.
- b) Limited licensing. Creators can license some of their rights to others. In this model, creators can restrict the use of material based on time, geographical location, or method of use.
- c) Creative Commons License. Creative Commons (CC) is a non-profit organization that allows creators to choose their license type based on their choice to share or restrict the use of their work. The following screenshot shows options for CC license types.<sup>45</sup>

Second, Distribution Options. This type consists of:

- a) Live distribution. Creators can also plan and execute their distribution strategies, selling content directly to consumers through their websites or personal platforms.
- b) Distribution Through Third Parties. On the other hand, creators can choose to distribute their content through third parties, such as streaming platforms, digital bookstores, or production studios.<sup>46</sup>

Third, Freemium. In this model, some content is free, but viewers or users are expected to pay for premium content or additional features.<sup>47</sup>

Fourth, Distribution Collaborations. Collaboration with a particular brand or platform can allow for wider content distribution and a higher probability of monetization.<sup>47</sup>

Over time, licensing and distribution strategies can be adjusted to accommodate changes in market trends, audience responses, and creators' own goals. It is always important to seek legal advice before making a decision on licenses and distributions to ensure that creators' rights remain protected.

(iii) Advocate policy development that supports creators

Advocacy for developing policies that support creators is crucial in enhancing their rights and

opportunities in the creative industries. It covers many aspects, from copyright protection to market access and economic justice.<sup>47</sup>

Here are some strategic steps that can be taken to support creators through policy advocacy:

- Education of stakeholders:
  - a) Education of legislators and policymakers: Providing information and resources to policymakers about the realities facing creators, as well as the economic potential of the creative industry,
  - b) Public and creative engagement: holding seminars, webinars, and awareness-raising campaigns to educate creators and the general public about their rights and the importance of supporting policies.
- Building Coalitions and Networks:
  - a) Cross-Sector Cooperation: Creating partnerships between creators, industry associations, non-profit institutions, and educational institutions to form a strong and coordinated voice in policy advocacy;
  - b) International Collaboration: Joining global efforts and initiatives to share knowledge and strategies and support international standards that support creators.
- Advocate for Strong Copyright Protection:
  - a) Lobby for Fair Copyright Law: Support laws that ensure creators get fair compensation for their work and are not burdened by piracy and copyright abuse;
  - b) Encourage Technology Utilisation: Advocate for integrating technologies such as blockchain and DRM that enable creators to manage and protect their work better.
- Advocates for Market Access and Economic Justice:
  - a) Promote Policies that Support Creative Entrepreneurship: Advoking programs and policies that facilitate creators' establishment of, access to capital, and market penetration;
  - b) Economic justice: Struggle for policies that guarantee a fairer revenue distribution from digital platforms and aggregators and transparency in agreements.
- Highlighting the Social and Cultural Impact of Creative Industries:
  - a) Advocating for the Protection and Promotion of Cultural Diversity: Lobbying for inclusion and diversity in creative industries, as well as protecting cultural heritage and local community rights;

- b) **Stressing the Role of Creativity in Society:** Emphasizing in policymakers the importance of the creative industry not only for the economy but also for social health, innovation, and cultural identity.<sup>45,46,48</sup>

Through sustainable and strategic advocacy, we can encourage the development and implementation of policies that support creators, help ensure the sustainability and growth of creative industries, and nurture global cultural wealth.

- (iv) The creator's success in exploiting copyright law

The success of creators in using copyright law is often connected with a wise understanding and application of existing regulations. To avoid copyright infringement, creators can use free audio libraries that do not violate copyright. Thus, they can quietly focus on developing innovative content without worrying about potential breaches. Furthermore, knowledge of various aspects of copyright, including Copyright Act No. 6 of 1982, which was subsequently amended through a number of revisions, helps creators deal with copyright in a legal and ethical manner.<sup>49</sup>

On the other hand, digital and social media platforms provide a huge opportunity for creators to publish their work. This is beneficial as long as creators understand how to protect their work from infringement by others. For example, registering the copyright of a created work is a very important step in ensuring that creators can exercise their exclusive rights, including the right to make copies, distribute, and gain economic benefits from the work.<sup>49</sup>

Socialization and copyright-related education are essential for digital content creators to avoid copyright lawsuits while ensuring their work is properly protected. Awareness of the importance of copyright protection is reflected in activities such as IGTV discussions on copyright protection for digital creators, indicating an increasing concern for the legal aspects of digital content production.<sup>49,50</sup>

This means that creators' success in leveraging copyright law is not only about avoiding violations but also about how they can actively protect and maximize the economic value of their work. Knowledge related to copyright law becomes an important tool for creators to work diligently and get proper recognition and reward for their work.

## Conclusion

Copyright is essential in the digital age to protect creators' intellectual work; however, the emerging

challenge is the ease of distribution and copying content, often without the permission of the copyright owners. This situation has opened up opportunities for piracy and counterfeiting. The fast development in information technology has risen new challenges, opportunities as well as new advantages for creators.

Even though new technology may create new issues with counterfeits, especially the unauthorized use, which results in "stealing royalties, the digital age also opens up opportunities for new innovations and technological growth. It can provide the creator with new tools and kits to find who, how, when, and what works in creations that have been counterfeited. The important issue of finding the counterfeits does not necessarily mean a punishment, but rather to get more royalties from the monetization of the works by other creators. Digital Rights Management must be used wisely, not disturbing or blocking creativity, but as a way to create more innovation in the future, by sharing royalties. It is important to find a balance between copyright protection and the development of technology and access to information.

Finally, considering that Copyright is the creators' exclusive right to control the use and distribution of their work, the legal role will still play a vital role in protecting these exclusive rights in the digital age. Nevertheless, there are still challenges in law enforcement and copyright protection in the Digital Age.

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