



Is This Part Substantial or Is It Time to Rethink the Concept of Originality in Music?

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ABSTRACT

The vagueness in the concept of originality in music has been problematic, especially relating to the enforcement of copyright. There is no definite line between ideas and the expression of an idea, which is essentially the object of copyright in music. The act of using a general concept in music could be mistaken as substantial taking and even further a copyright infringement. The purpose of this article is to give a new perspective on the concept of originality in music, specifically in determining the act of substantial taking, and to explain why it could be time to finally rethink this concept. The research shows that the concept of substantial taking, as regulated by is Copyright Act, could hardly be applied to music due to the vagueness in the concept of originality. This reflects the necessity of a standardization for originality in music, which could be achieved through dialogues between musicologists, musicians, and other relevant professionals.

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1. Introduction

Music and law are often considered as two distinct realms, one being regarded as a rule-free zone while the other being the rule itself.¹ However, at some point, music and law cross each other's paths. The area of law with the broadest interaction with music is one that deals with abstract possessions: Intellectual Property,² specifically Copyright. Why is music considered an object of copyright? John Locke's Property Theory provides an insight to answer this question. With this theory, Locke introduced a state of nature in which goods are held in common through a grant from God.³ However, these goods are not meant to be enjoyed in its natural state, which is why individuals need to convert them into private property by exerting labor upon them. The labor adds value to the goods by allowing them to be enjoyed by a human being. Therefore, music, as product of labor and creative thinking, can be considered as an object of copyright.

In order for an art work, including music, to be eligible for a copyright, it needs to meet several criteria: it has to be fixated and original.⁴ For a work to be eligible for a copyright, it has to be fixed in a tangible medium and expressed in a form in which the work can be presented, reproduced, and communicated. An unexpressed idea, which is known as fixation, cannot be protected by copyright. It is in accordance

¹ Iyar Stav. (2014). "Musical Plagiarism: A True Challenge for the Copyright Law". *DePaul Journal of Art, Technology & Intellectual Property Law*, 25, p. 2. Available at: <https://via.library.depaul.edu/jatip/vol25/iss1/2>.

² *Ibid*.

³ Justin Hughes. (1988). "The Philosophy of Intellectual Property". *Georgetown Law Journal*, 77, p. 297.

⁴ Khwarizmi Maulana Simatupang. (2021). "Tinjauan Yuridis Perlindungan Hak Cipta Dalam Ranah Digital (*Juridical Review of Copyright Protection in Digital Sector*)". *Jurnal Ilmiah Kebijakan Hukum* 15, p. 70. <http://dx.doi.org/10.30641/kebijakan.2021.V15.67-80>

with Article 9 paragraph (2) of the Agreement on the Trade-Related Aspect of Intellectual Property Rights (hereinafter will be referred to as TRIPS). Furthermore, the work has to be original. It is important to note that originality does not necessarily mean novelty. Instead, for a work to be considered original, it has to be a product of a creator's thinking process/creation.⁵ This requirement is in accordance with Article 2 paragraph (3) of the Berne Convention on the Protection of Artistic and Literary Works (hereinafter will be referred to as Berne Convention). Lastly, a work has to meet the minimum level of creativity in order to be eligible for a copyright.

In the era of music sampling, remixes, and covers, the existence of two similar sounding songs is not news. When you play a song on your favorite music streaming platform such as Spotify or Apple Music on shuffle, you might mistake a song to be another one due to the similarity of these songs. The famous ABBA song, "Gimme! Gimme! Gimme! (A Man After Midnight)" is playing on the radio, and right after you start singing along to the chorus, it turns out to be Madonna's "Hung Up". This sort of experiences is not a new occurrence. But, does that mean that the songwriters of "Hung Up" had plagiarized one of ABBA's greatest hits? Does sampling equal unoriginality?

The Berne Convention does not elaborate the definition of "originality", nor does Indonesian Law Number 28 of 2014 on Copyright (hereinafter will be referred to as Copyright Act). Therefore, it is necessary to use doctrines and/or theories of originality as references to deal with the case of originality of a work.⁶ However, relating to the use, retrieval, Reproduction, and/or change of Works and/or Related Rights products, the Copyright Act provides a limitation known as "substantial part". Article 44 states:

"Use, retrieval, Reproduction, and/or change of Works and/or Related Rights products in whole or *substantial part* are not regarded as a Copyright infringement if the source is mentioned or cited in full for the purpose of: a. education, research, scientific writing, report writing, writing of critique or review of a problem without prejudicing the reasonable interests of the Author or the Copyright Holder; b. security and governance, legislative, and judiciary; c. talks that are only intended for the purpose of education and science; or d. performances or shows that are free of charge provided that they would not prejudice the reasonable interests of the Author."⁷

This limitation could be problematic, considering the possibility of copyright infringement in musical works, in the parts that might not be considered substantial. In that case, could the work even be considered original anymore? Furthermore, the use of this concept in courts could possibly be a bit too subjective, due to the absence of a standard. There is clearly a legal vagueness. While this concept might be applicable to other forms of original work, it is potential that it would be misapplied in the realm of music, because it is possible for musical works to borrow from the same musical concepts while yet remaining unique.⁸ This paper focuses on the concept of originality as a determining factor in copyright and tries to answer the question on why it is finally time to rethink the concept of originality, starting from a brief explanation of copyright in general.

2. Method

In this research, a socio-legal research method was conducted by collecting secondary data from several sources, such as relevant publications from various institutions, previous researches on copyright and music works, generally applicable theories in copyright in Indonesia or other countries as well as other

⁵ *Ibid.*

⁶ Desrezka Gunti Larasati. (2014). "Revealing Originality of Song Works: An Analysis to The Copyright Law". *Indonesia Law Review*, 4, p. 280.

⁷ Indonesia. Law Number 28 of 2014 on Copyright, Article 44.

⁸ Nicholas Booth. (2016). "Backing Down: Blurred Lines in the Standards for Analysis of Substantial Similarity in Copyright Infringement for Musical Works". *Journal of Intellectual Property Law*, 24, p. 2. Available at: <https://digitalcommons.law.uga.edu/jipl/vol24/iss1/6>

data which were analyzed using the qualitative research method. Besides, the author reviewed related laws and regulations, especially ones that are related to copyright in music. From the data that has been collected and analyzed qualitatively, the authors tried to evaluate the concept of originality as a determining factor in copyright and answer the question on whether it is finally time to rethink the concept of originality.

3. Substantial Part in Musical Works and The Concept of Originality

3.1. Copyright in General

Before going into any further discussion, and to remind us of its exclusivity, it is important for one thing to be set forth: What is copyright? Copyright refers to the rights of authors in works of authorship, protects the expression in a work of authorship against copying.⁹ World Intellectual Property Organization (WIPO) describes copyright as a legal term used to describe the rights that creators have over their literary and artistic works, which range from books, music, paintings, sculpture, and films, to computer programs, databases, advertisements, maps, and technical drawings.¹⁰ In short, it is *the right to copy*.

Copyright is a mixture of private and public interest and the reason behind that is inseparable from the reason why it existed in the first place. Copyright, as a part of Intellectual Property Rights, emerged in the wake of a technological revolution.¹¹ It started when the first printer was invented in Europe, which allowed mass dissemination of information.¹² Changes in technology, combined with other factors, triggered changes in several aspects such as social, economy, and culture.¹³ Changes in these aspects resulted in the emerge of new regulations. For example, when unregulated printing led to a surplus of books, resulting in printers going bankrupt and becoming dependent on creditors, a system was created to stabilize the market.¹⁴

Copyright is regulated on several international agreements, including The Berne Convention (1886), Universal Copyright Convention (1952), The Rome Convention (1961), WIPO Copyright Treaty (1996), World Intellectual Property Organization Performances and Phonogram Treaty (1996), Audiovisual Performance Treaty (Beijing Treaty 2012), Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (2013), and Trade Related Aspects of Intellectual Property Rights (1995). In Indonesia, protection of copyright started with the enactment of *Auteurswet* 1912, a copyright law in the Netherlands, which was also applied in its colonies in the Far East.¹⁵ This law was created as an amendment to the previous copyright law, based on the provisions of the Berne Convention. It remained applicable after the independence of Republic of Indonesia, but later, the term *autersrecht* was no longer used, and replaced with the term “Hak Cipta” or “Copyright”. Indonesia officially declared itself no longer a part of the Berne Convention on February 19, 1959, which became effective on February 19, 1960.¹⁶ However, Indonesia decided to rejoin

⁹ Mitchell Zimmerman. (2006). “The Basics of Copyright Law”. *California Bar Journal*. Available at <https://archive.calbar.ca.gov/archive/Archive.aspx?articleId=73694&categoryId=73726&month=2&year=2006>. Accessed on September 23, 2021.

¹⁰ World Intellectual Property Organization. “Copyright”. Available at <https://www.wipo.int/copyright/en/>. Accessed on September 23, 2021.

¹¹ Orit Fischman-Afori. (2012). “The Evolution of Copyright Law and Inductive Speculations as to Its Future”. *Journal of Intellectual Property Law*, 19, p. 3. Available at: <https://digitalcommons.law.uga.edu/jipl/vol19/iss2/2>. Accessed on September 23, 2021.

¹² *Ibid.*, p. 242.

¹³ *Ibid.*

¹⁴ *Ibid.*, p. 243.

¹⁵ Direktorat Jenderal Kekayaan Intelektual, Kementerian Hukum dan Hak Asasi Manusia Direktorat Jenderal Kekayaan Intelektual. “Modul Kekayaan Intelektual Tingkat Dasar Bidang Hak Cipta”, p. 12. Available at <https://www.dgip.go.id/unduh/modul-ki?kategori=hak-cipta>. Accessed on September 23, 2021.

¹⁶ *Ibid.*

the convention in 1997, because as a part of the World Trade Organization, Indonesia was required to fully implement the international agreements on copyright. Back in 1982, the Indonesian government enacted a new Copyright Law which provided a lifetime plus 25 years (after the death of the author of a work) copyright protection. However, it was only applicable for foreign works and as long as the first publication of the work had taken place in Indonesia.¹⁷

3.2. Music as Object of Copyright in Indonesia

In Indonesia, the implementation of copyright law is based on a declarative principle, meaning that the protection begins after the announcement of a work, not after the registration. Nonetheless, it does not make registration of a work less important, since it could be used by an author as evidence of their rightful ownership of a work in case of disputes.

The Indonesian copyright law protects music as one of the objects of copyright. It is divided into three sub-categories, including: (1) music; (2) songs/music with text; and (3) arrangement. Music is defined as the art of arranging tones or sounds in sequences, combinations, and temporal relationships to produce compositions (sounds) having unity and continuity. Songs/music are variety of rhythmic sounds, regardless of the presence of text/lyrics in them. Arrangement is adjustment to the vocal or instrument of an existing composition, without changing the essence of said composition.

In the era of digitalization, it has become easier for anyone to access and enjoy music. Instead of CDs or DVDs, online streaming software are becoming the main media for listening to music. It is even easier now in the era of globalization. New songs are easily accessible from basically any place and by anyone in the world and the resources that was previously needed to distribute music in a physical form is no longer a problem. This way, more people are reached and more songs are at the stake of copyright infringement.

As an object of copyright, music copyright consists of economic right and moral rights. Article 8 of Copyright Act states that "economic rights are the exclusive right of the Author or the Copyright Holder in order to gain economic benefits from the Works." Said rights include: a. publication of the Works; b. Reproduction of the Works in all its forms; c. translation of the Works; d. adaptation, arrangement, or transformation of the Works; e. Distribution of the Works or their copies; f. performance of the Works; g. Publication of the Works; h. Communication of the Works; and i. rental of the Works. Meanwhile, moral rights are rights that are eternally inherent to the Author to: a. continue to include or to exclude their name on the copy with respect to the public use of their Works; b. use an alias or pseudonym; c. change their Works to comply with appropriateness in society; d. change the title and subtitle of their Works; and e. defend their rights in the event of a distortion of Works, mutilation of Works, modification of Works, or other acts which will be prejudicial to their honor or reputation.

3.3. Substantial Taking and Its Part in the Concept of Originality in Music

The Black's Law Dictionary defines originality as "The quality or state of being the product of independent creation and having a minimum degree of creativity. Originality is a requirement for copyright protection. But this is a lesser standard than that of novelty in patent law: to be original, a work does not have to be novel or unique." However, there is no fixed standard on originality to be used to determine the originality of a work, especially in music.

¹⁷ Nurul Barizah. (2014). "International Copyright Treaties And Its Implementation Under Indonesian Copyright Act; Is It A Better Access To Knowledge?". *Jurnal Hukum Internasional*, 14, p. 5. <http://dx.doi.org/10.17304/ijil.vol14.1.674>

These days, it is hard to tell on whether one music work is completely original and was created entirely as a result of one's creative thinking. Similar sounding songs are everywhere, as a result of sampling and borrowing, due to the fact that internet gives easier access to music than in the past. However, there have been two sides to this phenomenon; artists believing that their work is original, and the public believing that originality is dead. The different views have been around for a long time. In fact, Elton John, back in 2007, suggested that a five-year cyberspace shutdown might be the only way to renew the music's creativity.¹⁸

Howard B. Abrams, in his paper "Originality and Creativity in Copyright Law", stated that the question of originality, as the threshold standard of qualification for copyright protection, is at the core of copyrightability.¹⁹ The standardization of originality determines how many works are considered original, and thus eligible for a copyright. However, since there is no standardization on originality, especially in music, how could one say that their work is, in fact, original? What is deemed original by one could be seen as unoriginal by another, and vice versa. It is too fluid. The Copyright Act tries to narrow it down by limiting the definition of copying, without the result being deemed as infringement of copyright, only to "in whole or substantial part" of a work.

Unfortunately, substantial taking in music copyright is prone to misapplication. Emma Steel, in *Original Sin: Reconciling Originality in Copyright with Music as an Evolutionary Art Form*, describes the evolution of music's component elements, focusing on the evolution of rhythm and melody as the basic building blocks of musical creations.²⁰ Rhythm takes the form of tempo, metre, and rhythmic pattern, which provide a consistent pattern of timing that tends to be common in various styles and genres.²¹ Meanwhile melody, which is "the relationship between musical tones of various pitch and duration", is where most of the originality in music is manifest.²² She also comments that melodies tend to be repetitive in nature and shared across music genres in Western musical traditions.²³ McDonagh stated in one of his papers that some chord progressions and musical phrases are thought to be too common to be protectable.²⁴ The fact that copyright protects the expression of an idea becomes a problem when many common elements in musical creation are potentially considered as ideas if they are widely shared across compositions of a similar genre.²⁵ To the untrained ear, all music of one genre sounds pretty much the same, thus it's up to the trier of fact to figure out when a work crosses the line from utilising genre ideas into the infringement of the expression of the ideas.²⁶ It is definitely complicated to determine a substantial taking when the same ideas are shared across works, and even across genres.

When it comes to the enforcement of music copyright, proving the act of substantial copying is crucial. Hugh Laddie stated that although the burden of proof in an infringement action lies with the claimant, a defendant should try to show that, to the extent that his allegedly infringing work is derived from the claimant's work, the material taken was not originated by the claimant author and/or is too generic to be considered a "substantial part."²⁷ To prove an infringement in musical works, instead of a quantitative based test, substantial taking is tested qualitatively.²⁸ In simple, it does not matter how

¹⁸ Ann Powers. (2007). "If the riff sounds familiar, well, that's the point". *Los Angeles Times*, August 12. Available at <https://www.latimes.com/archives/la-xpm-2007-aug-12-ca-notnew12-story.html>. Accessed on November 8, 2021.

¹⁹ Howard B. Abrams. (1992). "Originality and Creativity in Copyright Law". *Law and Contemporary Problems*, 55, p. 4.

²⁰ Andres Guadamuz (2017). "Is It Time to Examine the Concept of Originality in Musical Works?". *JOTWELL*, p. 1. Available at <https://ip.jotwell.com/is-it-time-to-examine-the-concept-of-originality-in-musical-works/>.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ Luke McDonagh. (2012). "Is Creative Use Of Musical Works Without A Licence Acceptable Under Copyright Law?". *International Review of Intellectual Property and Competition Law*, 43, p. 410. Available at <https://openaccess.city.ac.uk/id/eprint/12604/>.

²⁵ Andres Guadamuz, p. 1.

²⁶ Luke McDonagh, 410.

²⁷ *Ibid.*

²⁸ *Ibid.*

many notes are taken from another work, but how substantial that copied part is to the overall impression of the music.

The realms of pop and rock have produced all of the most well-known copyright infringement cases.²⁹ The reason behind this is because popular song is a constrained art form with a palette of statistically predictable phrase lengths, song forms, scale and chord choices, lyric tropes, and song durations.³⁰ Market factors essentially determine these standards, with massed listener tastes influencing the types of creative decisions that songwriters are likely to make over time.³¹

Courts have long struggled to discern between artists' original ideas and musical ideas that exist in the public domain and were created according to the dictates and practices of music theory, and the two are frequently confused and conflated³². The fluidity of originality in music itself allows courts to find infringement where it does not exist.³³ One of the most famous case of this issue is the "Blurred Lines (Robin Thicke and Pharell Williams) vs. Got to Give It Up (Marvin Gaye) case. Thicke and Williams produced the pop hit back in 2013. Marvin Gaye's family believed that Gaye's work had been stolen. In order to prevent the Gaye family from claiming any share of royalties, Thicke filed a pre-emptive lawsuit.³⁴ However, he also publicly stated that when he co-wrote "Blurred Lines" with Williams, he was influenced by Marvin Gaye, notably by the song "Got to Give It Up".³⁵ The Gaye family responded by filing a lawsuit against Williams and Thicke. Thicke's account was filled with inconsistencies. He revealed in an interview with GQ that he co-wrote "Blurred Lines", but later claimed in court that Williams had actually composed the song, and that he had lied to earn credit earlier.³⁶ Despite the fact that Gaye's music inspired him as a child, Williams maintained that he did not replicate Gaye's song in his work.³⁷ In the end, a California jury found that "Blurred Lines" infringed Gaye's song.

The "Blurred Lines" ruling has caused a lot of uncertainty in the music industry about where the line between inspiration and plagiarism should be defined.³⁸ Many industry experts believe that the jury in this case chose to award damages based on secondary similarities between the two songs – their "look and feel and cowbells," as one legal observer described it – rather than the lyrics, melody, and other aspects more typically protected under copyright law.³⁹ It raises serious concerns about what can be protected. Because of this uncertainty, artists and their labels have become more careful than ever before when it comes to assessing their material for any copyright risk before releasing it.⁴⁰

In the end, there is no "right" or "wrong" way to perceive music. As a result, determining what constitutes a "substantial part" can be challenging for judges. This alone reflects why a standardization of originality in music is necessary. In simple, a definite way to view the line between ideas and an expression of an idea. A fixed standard should not complicate the protection of a musical work, since in the end, copyright protects the expression of an idea, not the idea itself. Through dialogues between

²⁹ Michael Hann. (2020). "A Hit, A Writ: Why Music Is the Food of Plagiarism Lawsuits". *The Guardian*. Available at <https://www.theguardian.com/law/2020/mar/26/a-hit-a-writ-why-music-is-the-food-of-plagiarism-lawsuits>. Accessed on November 26, 2021.

³⁰ *Ibid.*

³¹ *Ibid.*

³² Nicholas Booth, p. 101.

³³ *Ibid.*, p. 102.

³⁴ McCombs School of Business. "Blurred Lines of Copyright". Available at <https://ethicsunwrapped.utexas.edu/case-study/blurred-lines-copyright>. Accessed on November 26, 2021.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Andy Hermann. (2018). Beyond 'Blurred Lines': How Forensic Musicology Is Altering Pop's Future, *Rolling Stone*. Available <https://www.rollingstone.com/pro/features/beyond-blurred-lines-how-forensic-musicology-is-altering-pops-future-204986/>. Accessed on November 26, 2021.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

musicologists, musicians, and other relevant professionals, a standardization should be achievable. Said standards need not be explicit, but have to give a sense of certainty of what is original and what is not, and therefore making it possible to objectively determine substantial copying and substantial parts of music. This way, the overall protection of musical works should improve.

4. Conclusion

Copyright is regulated on several international agreements. In Indonesia, it is specifically regulated through the Copyright Act of 2014. While the implementation of copyright in Indonesia is based on declarative principle, registration of a work is still necessary, since it could be used by an author as evidence of their rightful ownership of a work in case of disputes.

Digitalization has made it easier for anyone to access and enjoy music. Despite the positive impacts of easier music distribution, this also means that more musical works are at the stake of copyright infringement. An infringement of a music copyright could damage the economic rights and moral rights of its respective owners or holders. The lack of standards in determining the originality of a musical work, which is one of the requirements in copyright itself, is one of the main causes of this problem.

The concept of substantial taking, as regulated by is Copyright Act, could hardly be applied to music. The reason is since there is no "right" or "wrong" way to perceive music. This causes a challenge for judges in determining what constitutes a "substantial part". This reflects the necessity of a standardization for originality in music, which could be achieved through dialogues between musicologists, musicians, and other relevant professionals.

References

Journal Articles

- Andres Guadamuz (2017). "Is It Time to Examine the Concept of Originality in Musical Works?". *JOTWELL*, p. 1. Available at <https://ip.jotwell.com/is-it-time-to-examine-the-concept-of-originality-in-musical-works/>
- Desrezka Gunti Larasati. (2014). "Revealing Originality of Song Works: An Analysis to The Copyright Law". *Indonesia Law Review*, 4, p. 280.
- Howard B. Abrams. (1992). "Originality and Creativity in Copyright Law". *Law and Contemporary Problems*, 55, p. 4.
- Iyar Stav. (2014). "Musical Plagiarism: A True Challenge for the Copyright Law". *DePaul Journal of Art, Technology & Intellectual Property Law*, 25, p. 2. Available at: <https://via.library.depaul.edu/jatip/vol25/iss1/2>.
- Justin Hughes. (1988). "The Philosophy of Intellectual Property". *Georgetown Law Journal*, 77, p. 297.
- Khwarizmi Maulana Simatupang. (2021). "Tinjauan Yuridis Perlindungan Hak Cipta Dalam Ranah Digital (*Juridical Review of Copyright Protection in Digital Sector*)". *Jurnal Ilmiah Kebijakan Hukum* 15, p. 70. <http://dx.doi.org/10.30641/kebijakan.2021.V15.67-80>
- Luke McDonagh. (2012). "Is Creative Use Of Musical Works Without A Licence Acceptable Under Copyright Law?". *International Review of Intellectual Property and Competition Law*, 43, p. 410. Available at <https://openaccess.city.ac.uk/id/eprint/12604/>.
- Mitchell Zimmerman. (2006). "The Basics of Copyright Law". *California Bar Journal*. Available at <https://archive.calbar.ca.gov/archive/Archive.aspx?articleId=73694&categoryId=73726&month=2&year=2006>. Accessed on September 23, 2021.

- Nicholas Booth. (2016). "Backing Down: Blurred Lines in the Standards for Analysis of Substantial Similarity in Copyright Infringement for Musical Works". *Journal of Intellectual Property Law*, 24, p. 2. Available at: <https://digitalcommons.law.uga.edu/jipl/vol24/iss1/6>
- Nurul Barizah. (2014). "International Copyright Treaties And Its Implementation Under Indonesian Copyright Act; Is It A Better Access To Knowledge?". *Jurnal Hukum Internasional*, 14, p. 5. <http://dx.doi.org/10.17304/ijil.vol14.1.674>
- Orit Fischman-Afori. (2012). "The Evolution of Copyright Law and Inductive Speculations as to Its Future". *Journal of Intellectual Property Law*, 19, p. 3. Available at: <https://digitalcommons.law.uga.edu/jipl/vol19/iss2/2>. Accessed on September 23, 2021.
- Tommy Hottua Marbun, T. Keizeirina Devi Azwar, and Windha. (2013). "Perlindungan Hukum Hak Cipta Terhadap Karya Cipta Lagu Dan Musik Dalam Bentuk Ringtone Pada Telepon Seluler". *Transparency: Journal of Economic Law*, 1, p. 5.

Regulations

- Law of The Republic of Indonesia Number 28 of 2014 on Copyrights.
- Berne Convention for the Protection of Literary and Artistic Works.

World Wide Web

- Andy Hermann. (2018). Beyond 'Blurred Lines': How Forensic Musicology Is Altering Pop's Future, *Rolling Stone*. Available <https://www.rollingstone.com/pro/features/beyond-blurred-lines-how-forensic-musicology-is-altering-pops-future-204986/>. Accessed on November 26, 2021.
- Ann Powers. (2007). "If the riff sounds familiar, well, that's the point". *Los Angeles Times*, August 12. Available at <https://www.latimes.com/archives/la-xpm-2007-aug-12-ca-notnew12-story.html>. Accessed on November 8, 2021.
- Direktorat Jenderal Kekayaan Intelektual, Kementerian Hukum dan Hak Asasi Manusia Direktorat Jenderal Kekayaan Intelektual. "Modul Kekayaan Intelektual Tingkat Dasar Bidang Hak Cipta", p. 12. Available at <https://www.dgip.go.id/unduh/modul-ki?kategori=hak-ciota>. Accessed on September 23, 2021.
- Kementerian Hukum dan Hak Asasi Manusia Direktorat Jenderal Kekayaan Intelektual. (2020). "Modul Kekayaan Intelektual Tingkat Dasar Bidang Hak Cipta", p. 42. Available at http://jdih.dgip.go.id/produk_hukum/view/id/94/t/modul+kekayaan+intelektual+tingkat+dasar+bidang+hak+cipta.
- McCombs School of Business. "Blurred Lines of Copyright". Available at <https://ethicsunwrapped.utexas.edu/case-study/blurred-lines-copyright>. Accessed on November 26, 2021.
- Michael Hann. (2020). "A Hit, A Writ: Why Music Is the Food of Plagiarism Lawsuits". *The Guardian*. Available at <https://www.theguardian.com/law/2020/mar/26/a-hit-a-writ-why-music-is-the-food-of-plagiarism-lawsuits>. Accessed on November 26, 2021.
- World Intellectual Property Organization. "Copyright". Available at <https://www.wipo.int/copyright/en/>. Accessed on September 23, 2021.