

Pembatasan pengecualian penerapan hukum persaingan usaha terhadap hak cipta di Indonesia dan di uni Eropa putusan KPPUNO 3 KPPU 1 2008 dan European commission decision case comp C 3 37 792 microsoft = The limitation of exemption the exercise of competition law on copy rights in indonesia and in european union kppu decision number 3 kppu 1 2008 and European commission decision case comp C 3 37 792 microsoft

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Abstrak

Eksistensi Hak Cipta diakui oleh Hukum Persaingan Usaha baik di Indonesia maupun di Uni Eropa. Namun demikian, penerapan Hukum Persaingan Usaha tidak dikecualikan secara absolut terhadap pelaksanaan Hak Cipta. Hal ini terlihat dari adanya Peraturan Komisi No. 2 tahun 2009, pasal 81, dan pasal 82 European Treaty. Kasus mengenai pembatasan pengecualian penerapan Hukum Persaingan Usaha terhadap pelaksanaan Hak Cipta pernah diputus melalui Putusan KPPU No. 3/KPPU-L/2008 dan European Commission Decision Case COMP/C-3/37.792 Microsoft. Dari kedua putusan ini, akan terlihat bagaimana pembatasan pengecualian itu diberlakukan dan perbandingan pembatasan tersebut di Indonesia dan di Uni Eropa.

*The existence of Copy Rights is acknowledged by the Competition Law whether in Indonesia or in European Union. But, the application of Competition Law is not exempted absolutely from the exercise of Copy Rights. It can be seen from the existence of Commission Regulation number 2 of 2009, article 81, and article 82 European Treaty. The case of the limitation of exemption the exercise of Competition Law on Copy Rights has been decided by KPPU Decision Number 3/KPPU-L/2008 and European Commission Decision Case COMP/C-3/37.792 Microsoft. From these two decisions, we can see how the limitation is implemented and the comparison of the limitation in Indonesia and in European Union.*