

# Copyright Infringement using in Stream Ripping

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**Abstract:** Technological advances open up more opportunities for copyright infringement because everything is accessible through electronic devices so long as there is an internet connection. YouTube is a video-sharing website, which means there are a lot of videos, including music videos, which have been uploaded. There are websites, which provide the facility to download videos from YouTube and to convert them into a music file (.mp3); this action is called stream ripping. Actions undertaken by the website have violated the creator's economic rights, namely by conducting distribution that is against Indonesia's Copyright Law.

## 1 INTRODUCTION

The advancement of technology and information has contributed greatly to the globalisation of the trade of various creations with Intellectual Property Rights. In Indonesia, Intellectual Property Rights, especially those tied into the Copyright Act, were last amended by Law Number 28 Year 2014.

Article 1, number 1 of the Copyright Act, stipulates that copyright is an exclusive right of the authors that arises automatically on the basis of a declarative principle after a work is manifested in its tangible form without prejudice to restrictions in accordance with the provisions of legislation. Copyright is granted to creations in the fields of science, art, and literature that are already tangible or in the form of an expression that can already be seen, read, heard etc. Copyright cannot provide protection against works that are still ideas, so the idea must be expressed first in order to get protection. A copyright Holder and / or creator has the exclusive right to grant permission or to prohibit other persons from renting their creations for commercial purposes.

Everyone must obtain permission from the creator and the copyright holder if they wish to execute the economic rights above. The Vision Team of Justice states that "Any person who without the permission of the Creator or the Copyright Holder who executes the economic rights of a Work is prohibited from committing or making use of the Works commercially" (Yustisia, 2015).

Ahmad M. Ramli describes technology as a two-edged sword: "Information technology today is a double-edged sword, because in addition to contributing to the improvement of welfare, advancement and human civilization, this is as well as being an effective means of unlawful acts" (Ramli, 2004). With these advances, there is a gap for copyright infringement to occur. According to Rahmi Jened, violations of copyright can be categorised as direct infringement, the authorisation of infringement, and indirect infringement (Jened, 2015).

Actions included in direct copyright infringement are acts in the form of piracy of copyrighted material without permission (Jened, 2015).

Today, the enforcement of copyright is challenged by the rapid advances in technology, which can have a positive or negative impact on the use of internet media. The negative impact is the enforcement of legal protection against the rampant occurrence of copyright infringement that is difficult to detect. Responding to these technological advances, Rahmi Jened argues that: "When copyright and the rights associated with copyright cannot be exploited on an individual basis because the copyrighted work or related rights work is used by a large number of users at different times in different places, then individually, the owner does not have the capacity to monitor all usage, to negotiate with the users, and collect any remunerations" (Jened, 2015).

The modern era comes with many applications and sites that provide video services, one of which is

YouTube. In the YouTube app, there is a download feature, but the download feature will not store the video to the device; the download feature is intended to allow users to watch the video without using their internet data quota. With no video stored to the device, the video therefore cannot be moved to another device.

With the rapid growth of technology, there are now sites that provide a video download facility from YouTube for free. These are known as ripping sites (otherwise known as converters). Ripping sites provide access to download videos or to even convert videos from YouTube sites into .mp3 (audio) files. These can then be downloaded to the user's device. The difference between the download feature of the YouTube app and the download feature of the ripping site is that the file that is downloaded through the ripping site will be stored on the device so it can then be transferred to other devices. The presence of ripping sites harms the creators of songs and other parties concerned.

## 2 RESEARCH METHODS

The type of research used in this study was a literature review to prepare the conceptual foundation and for theory building, thus becoming the basis of the hypotheses formulation. This study also used interviews, which according to Kvale (1996: 174) are "a conversation whose purpose is to gather descriptions of the [life-world] of the interviewee" with respect to the interpretation of the meanings of the 'described phenomena'.

## 3 RESULTS AND DISCUSSION

The Copyright Act uses a declarative system, which means that protection is automatically obtained on the condition that it is expressed in advance in a tangible form. It requires no registration in advance for protection when the idea has been expressed in a tangible form; in this case, a song or music. At that time, the song or music has copyright protection and the creator automatically obtains exclusive rights to his or her creation.

Exclusive Rights under Article 4 of the Copyright Act consist of Moral Rights and Economic Rights. Article 8 of the Copyright Act affirms that "Economic Rights are the exclusive right of the creator or copyright holder to obtain economic benefits from their creation." Article 9, paragraph (1) of the

Copyright Act affirms that the Creator or the Copyright Holder, as referred to in Article 8, has the Economic Right to:

- Publish their creation;
- Duplicate their Creation in all of its forms;
- Translate the Creation;
- Adapt, arrange or transform the creation
- Distribute the Creation or its copies;
- Show the Creation;
- Announce the Creation;
- Communication with the Creation; and
- Rent the Creation

Subject to the provisions of Article 9, paragraph (2) of the Copyright Act, the person wishing to execute economic rights to the song or music should obtain prior permission from the Creator of the song or the music or to the respective Copyright Holder. Article 9, paragraph (3) of the Copyright Act stipulates that unauthorized persons are prohibited from duplicating and / or being able to commercially use the Creation. Therefore, without the permission of the Creator or Copyright Holder, any other person should not copy the song and / or use the song commercially.

One example of a site that provides the feature to download a video from YouTube by converting it into an .mp3 file is the site [www.onlinevideoconverter.com](http://www.onlinevideoconverter.com). By providing the video download feature from the YouTube website and then converting the video into a song file (.mp3) for free, the site has executed the same economic rights as the Author of Distribution. Based on the appearance of the site, there are some ads, so the site registers the site with an ad site that aims to earn a profit whenever there is an advertisement installed or every time the ad is opened by a visitor.

Marcelinus Ferdinand Suciadi explained how the YouTube ripping site can convert a video into a music file (.mp3) as follows:

We watch a video on YouTube (streaming) until the entire video is downloaded onto the computer. Videos played on YouTube typically use HTML5 (which can include MP4, WebGM, or OGG Vorbis formats), while browsers do not support the FLV format (using Adobe Flash). The video file itself consists of several parts, one of which is the audio codec section. This can be utilized by the site or YouTube converter software to convert videos downloaded from YouTube into audio (mp3). The YouTube converter site streams to YouTube to get the full video file, performs the analysis on the video file to retrieve the used audio codec information, and transcodes it (if necessary) to store the audio

information into the desired audio format (mp3 or other). This can also be done alone on their own computer if they have YouTube converter software. The video is downloaded to the computer with the help of the software, and then the remaining process is the same (grab the audio codec and transcode the info to the audio file) (Suciadi, 2017).

A Creator and Copyright Holder have exclusive rights that only Creators and Copyright Holders may execute; others may not execute such rights except by the permission of the Creator. A person who executes an unauthorized exclusive right infringes Copyright, as explained by the Vision of Justice Team that, "copyright infringement is the use of copyrighted work; infringing the exclusive right of the copyright holder includes breaching the right to produce, distribute, display, show off or create derivative works without the permission of the copyright holder" (Yustisia, 2015).

Thus, the [www.onlinevideoconverter.com](http://www.onlinevideoconverter.com) site violates Article 113, paragraph (3) of the Copyright Law namely: "Any Person who, without rights and / or without permission of the Creator or Copyright Holder, shall violate the economic rights of the Author as referred to in Article 9 Paragraph (1) a, b, e and / or g for Commercial Use shall be criminally charged with imprisonment of a maximum of 4 (four) years and / or a maximum fine of Rp 1,000,000,000.00 (one billion rupiah)."

The provisions of Article 113, paragraph (3) of the Copyright Act are violated by [www.onlinevideoconverter.com](http://www.onlinevideoconverter.com) because without rights and / or without permission, the site violates the economic rights of the creator, which includes the right to distribute the work. Distribution, in accordance with Article 1, number 17 of the Copyright Act, is the sale, distribution and / or distribution of Works and / or related rights products. The site distributes files from YouTube for free with the commercial purpose of obtaining economic benefits because there are advertisements on the site. Commercial Use in accordance with Article 1, Sub-Paragraph 24 of the Copyright Act is the use of the work and / or related rights products with the aim of obtaining economic benefits from various sources.

The [www.onlinevideoconverter.com](http://www.onlinevideoconverter.com) website also violates Article 112 of the Copyright Act which affirms that "anyone who, without the right to do the deeds as referred to in Article 7 paragraph (3) and / or Article 52 for Commercial Use does them, is punished by the maximum imprisonment duration of 2 (two) years and / or a fine of no more than Rp.300.000.000,00 (three hundred million rupiahs).

The act has caused an economic loss for the songwriter or copyright holder because with the ripping site, the benefits that should be obtained from the sales of songs or albums through official applications such as iTunes are reduced. This is because the ripping site provides the free downloading of songs by distributing video files from YouTube to use commercially without the permission of the Creator.

The Creator, Copyright Holder and / or Rights holder or their heirs suffering economic loss shall be entitled to indemnification under Article 96 paragraph (1) of the Copyright Act. Article 1 number 25 of the Copyright Act affirms that "indemnification refers to the payment of a sum of money charged to the perpetrator of the violation of the economic rights of the Creator, Copyright Holder and / or owner of the Related Rights based on a civil court or criminal court case and court ruling for damages suffered by the Creator, Copyright Holder and / or owner of Related Rights." The arrangement of indemnification has been detailed in Article 1246 Burgelijk Wetboek.

The most appropriate step in providing legal protection for the Creator and / or Copyright Holder is to ask the Indonesian government to block the ripping site. Article 55, Paragraph (1) of the Copyright Act affirms that, "any Person who is aware of copyright infringement and / or related rights through electronic systems for Commercial Use may report it to the Minister." The explanation given in Article 56 paragraph (1) of the Copyright Act describes the closure of user content and / or permissions, namely: "Referred to as 'closed content and / or user access rights,' this means covering 2 (two) terms which include, firstly blocking the content or the content service provider's site and secondly, blocking user access to certain sites through the blocking of the internet protocol address and the like."

The Creator and / or Copyright Holder, as stipulated in Article 55, paragraph (1) of the Copyright Act, may report to the Minister of Telecommunications and Informatics in which the Minister shall review the report and then close the ripping site if sufficient evidence is found in the reports made by the Author and / or the injured Copyright Holder.

## 4 CONCLUSIONS

The acts committed by the ripping site (in this case, [www.onlinevideoconverter.com](http://www.onlinevideoconverter.com) violate the Creator's Economic Right, which is Distributed in the form of

providing download services without the permission of the Author and the Copyright Holder.

## 5 SUGGESTION

The acts committed by the ripping site (in this case, [www.onlinevideoconverter.com](http://www.onlinevideoconverter.com)) violate the Creator's Economic Right, which is distributed in the form of providing download services without the permission of the Author and the Copyright Holder.

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