

Infringement of Copyright Laws on Books and Documents

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Abstract

Copyright is a legal concept that provides creators with exclusive rights to their original works, including the right to reproduce, distribute, and create derivative works based on their original works. However, systems for protecting unpublished works remain fragmented internationally. Primary copyright infringement occurs when a person directly infringes on the copyright holder's exclusive rights, while secondary copyright infringement involves contributing to or facilitating the primary infringement of a copyrighted work by someone else. The debate over the balance between the protection of intellectual property and the public's right to access and share information continues to be an important issue in the development of copyright law. In our paper we will be assessing the legal workings of Copyright and analysing cases in regards to Copyright to further explain on the concept.

Keywords: Copyright; Intellectual Property; Exclusive Rights

A. Introduction

Copyright is a legal concept that provides creators with certain exclusive rights in relation to their original works of authorship. These rights allow creators to control how their works are used and distributed, and to receive financial compensation for the

use of their works¹. In most countries, copyright protection applies to a wide range of creative works, including literature, music, art, film, and software. In order to be protected by copyright, a work must be original and fixed in a tangible form, such as being written down or recorded. Under copyright law, creators have the exclusive right to reproduce their works, distribute copies of their works, and to create derivative works based on their original works. They also have the right to perform or display their works publicly. Copyright protection typically lasts for a specific period of time, after which the work becomes part of the public domain and can be used freely by anyone. The length of copyright protection varies depending on the type of work and the laws of the country where the work was created.

The Statute of Anne, which was passed in England in 1710, is considered to be the first copyright law in the world. The idea that the creator of a piece of work is also the owner of the rights to that work's copyright was established as a legal principle for the first time by this act, which also outlined the parameters for legal protection. In the years that followed the passage of this Act, it became mandatory for works protected by copyright to be submitted to designated copyright libraries and registered at Stationers Hall. There was no provision for automatic copyright protection for works that had not yet been published².

Legislation that was based on the Statute of Anne gradually appeared in other countries, such as the Copyright Act of 1790 in the United States; however, copyright legislation did not become

¹ "What is copyright?," U.S. *Copyright* Office, accessed December 10, 2022, <https://www.copyright.gov/what-is-copyright/>.

² "A brief history of copyright," I.P.R. Office, accessed December 18, 2022, https://www.iprightsoffice.org/copyright_history/.

coordinated on an international level until the 19th century. The protection of works and the rights of their authors was the subject of the Berne Convention, which was signed into law in the year 1886. It provides creators with the means to control how their works are used, who uses them, and on what terms. Some examples of creators include authors, musicians, poets, painters, and so on. It is based on three fundamental principles and includes a series of provisions that determine the minimum protection that is to be granted. Additionally, it includes special provisions that are available to developing countries that wish to make use of them. The Berne Convention, which has been adopted by almost all of the world's countries, does away with the requirement that works be registered separately in each and every one of those countries (over 140 of the approximately 190 nation states of the world). As a result of the United States' participation in the Convention in 1988, it now encompasses virtually all of the world's most important nations. The Berne Convention has not been repealed and continues to serve as the foundation for international laws governing intellectual property and copyright.

The adoption of the Berne Convention brought about a number of significant changes, one of the most significant being the extension of copyright protection to unpublished works and the elimination of the requirement for registration. This means that in nations that are parties to the Berne Convention, an individual (or the organisation that the individual is working for) is deemed to be the owner of the copyright to any work that they produce as soon as it is recorded in some manner, whether it be by writing it down, drawing

it, filming it, or any other method³. Even though the adoption of the Berne Convention has resulted in a great many benefits for the creators of original works, the systems for protecting unpublished works remain fragmented internationally. For example, while some states offer optional registration services within their own jurisdiction, other states offer no registration services at all. In the absence of registration, it can be challenging to determine who the legitimate owner of a copyrighted work actually is. There is a possibility that the national registration systems will refuse to provide support in the event of a dispute in another country. Through its Copyright Registration Service, the Intellectual Property Rights Office (also known as the IP Rights Office and the IPRO) was established with the intention of establishing a central international point of deposit for unpublished works originating from all over the world. Other names for this organisation include the Intellectual Property Rights Office and the IPRO. It is hoped that this will be able to provide a standardised point of registration for all citizens of nations that are parties to the Berne Convention.

Copyright infringement is a violation of intellectual property protection where the creator's rights are infringed upon. Sometimes known as piracy, copyright infringement happens when the rights given to the holder of the copyright, are breached by a third party⁴. This can be seen in pirated software, movies, music, and books, which are distributed illegally, or screen illegally in the case of movies. There

³ "Berne Convention for the Protection of Literary and Artistic Works," World Intellectual Property Organization, accessed December 18, 2022, <https://www.wipo.int/treaties/en/ip/berne/>.

⁴ Will Kenton, "Copyright Infringement: Definition, Meaning, Example and Criteria," Investopedia, July 10, 2022, <https://www.investopedia.com/terms/c/copyright-infringement.asp>.

are two primary types of copyright, those being primary and secondary copyright infringement. The difference between primary and secondary copyright infringement can be seen in the intention of the perpetrator⁵. To further explain:

- A. Primary copyright infringement does not require the intention to cause a copyright infringement and usually results in a liability offence. This occurs when a person directly infringes on the copyright holder's exclusive rights, such as reproducing, distributing, or displaying the copyrighted work. This can be seen in the form of plagiarism, the distribution of plagiarised works, making an adaptation of copyrighted works, performing, displaying, and playing copyrighted works in public. For example, if a person creates a book that plagiarises another copyrighted book and sells them, it is primary copyright infringement.
- B. Secondary copyright infringement on the other hand requires the intention to cause a copyright infringement as the person has intention to possess, distribute or import a copy of copyrighted material that infringes on the rights of the author. This can include selling or distributing pirated copies of a copyrighted work, or providing a platform that allows others to access and download copyrighted works without permission⁶.

⁵"Copyright Infringement," Justia, accessed December 17, 2022, <https://www.justia.com/intellectual-property/copyright/infringement/#:~:text=There%20are%20two%20types%20of,in%20infringing%20on%20a%20copyright.>

⁶"Copyright Primary and Secondary Infringement," Redmans Solicitors, accessed December 17, 2022, <https://redmans.co.uk/insights/copyright-primary-and-secondary-infringement/Redmans.>

There are 8 types of different copyrights with each one having a different purpose, these types of copyrights are as stated below:

- ***Literary Works:*** In most cases, the creator or author of a literary work is the owner of the copyright to that work; nevertheless, this ownership might change based on conditions such as employment or licensing agreements⁷.
- ***Musical Works/Sound Recordings:*** Along with any words that may accompany it, the basic composition of a song that was developed by a songwriter or composer is considered to be a musical work⁸. The owner of the copyright of a musical composition is the only person who may manufacture and distribute copies of the work, as well as publicly perform or exhibit it, and create derivative works based on it (including interpolations, remixes, or even videos using the musical work). Whoever else wishes to engage in these activities is required to get a permission from the owner of the copyright, make use of a statutory licence, or demonstrate that an exception applies, such as fair use. A statutory licence is not formed through a contract but rather through the operation of the law. With a statutory licence, the owner of the copyright of a work cannot refuse permission for it to be used in any way, provided that the licensee complies with any and all applicable legal conditions.

⁷"Types of copyright," Melbourne University, accessed December 18, 2022, <https://copyright.unimelb.edu.au/shared/types-of-copyright-material/literary-works>.

⁸"Musical Works, sound recordings & copyright," U.S Copyright office, accessed December 18, 2022, <https://www.copyright.gov/music-modernization/sound-recordings-vs-musical-works.pdf>

- ***Dramatic Works:*** Included in the category of dramatic works are stage plays, screenplays, scripts, choreographic notation, performances of choreography, and cinema scenarios (but not the film itself). A piece of writing is considered to be dramatic if it was written with the intention of being staged dramatically⁹.
- ***Pantomimes and Choreographic Works:*** Copyright protection can also be granted for theatrical works such as choreography and pantomimes. The design and organisation of dance moves and patterns, choreography is often intended to be performed while music is playing in the background. The skill of copying or playing out various scenarios, characters, or other occurrences is known as pantomime. This is a different art form from choreography. Pantomimes and choreography do not need to express a story in order to be protected by copyright, nor do they need to be performed in front of an audience. However, in order for the job to be completed, it must first be fixed in some real medium of expression¹⁰.
- ***Pictorial, Graphic and Sculptural Works:*** Works of graphic, fine, or applied art that are two-dimensional or three-dimensional and are eligible for copyright protection are referred to as pictorial, graphic, and sculptural works, respectively. This fits into one of the eight broad categories that are protected by copyright law. Globes, architectural

⁹"Dramatic Works Copyright," University Of Melbourne, accessed December 18, 2022, <https://copyright.unimelb.edu.au/shared/types-of-copyright-material/dramatic-works>.

¹⁰"Pantomimes and Choreographic Works Copyright," U.S. Copyright Office, accessed December 18, 2022, <https://www.copyright.gov/register/pa-pantomime.html>.

- drawings, pictures, and models are all examples of works that fall within the categories of pictorial, graphic, and sculptural art. In common usage, this is shortened as PGS¹¹.
- ***Motion pictures and other audiovisual works:*** A motion picture is an audiovisual work that consists of a sequence of connected pictures that convey the sense of motion when exhibited in succession together with accompanying sounds. This impression of motion is created when the series of images is shown in conjunction with the noises. The work may be incorporated in tangible items like as films or cassettes, and it may be designed to be exhibited through the utilisation of machinery or devices such as projectors, viewers, or electronic equipment¹².
 - ***Architectural Works:*** An architectural work that is protected by copyright is described as "the design of a building as embodied in any physical medium of expression," which can include the actual structure itself, architectural plans or drawings, or any combination of the three. The work consists of the general shape as well as the organisation and composition of spaces and elements in the design. However, specific standard features are not included in the work¹³.

¹¹"Find a legal form in minutes, Pictorial, Graphic, and Sculptural Work Law and Legal Definition," US Legal Inc, accessed December 18, 2022, <https://definitions.uslegal.com/p/pictorial-graphic-and-sculptural-work/>.

¹²"Find a legal form in minutes," US Legal, accessed December 18, 2022, <https://copyright.uslegal.com/motion-pictures-audiovisual-works/>.

¹³Richeson, "Copyright protection of architectura," Phelps, April 14, 2022, <https://www.phelps.com/insights/copyright-protection-of-architectural-works.html>.

B. Discussion

B. 1. Copyright in Indonesia

Copyright is a part of intellectual property with the broadest scope of protected objects because it includes science, art and literature, and computer programs. The development of the creative economy, which is one of the mainstays of Indonesia and various countries and the rapid growth of information and communication technology, requires the renewal of the Copyright Law, considering that Copyright is the most important basis of the national creative economy¹⁴.

With the Copyright Law that fulfils the elements of protection and development of the creative economy, it is hoped that the contribution of the Copyright and Related Rights sector to the country's economy can be more optimal¹⁵. In Indonesia, books, computer programs, pamphlets, layouts of published works, and all other written works; lectures, lectures, speeches, and other creations like that; visual aids made for the benefit of education and science; songs or music with or without subtitles; drama or musical drama, dance, choreography, wayang, and pantomime; fine art in all forms such as painting, drawing, carving, calligraphy, sculpture, sculpture, collage, and applied art; architecture; map; batik art; photography; as well as translations, interpretations, adaptations, compositions, and other works resulting from the transformation are protected under the

¹⁴"Pengenalan Hak Cipta," Ministry of Law and Human Rights of Indonesia, accessed December 19, 2022, <https://www.dgip.go.id/menu-utama/hak-cipta/pengenalan>.

¹⁵"Industri Kreatif Terkait Hak Cipta," BINUS University Business Law, accessed December 19, 2022, <https://business-law.binus.ac.id/2018/04/02/industri-kreatif-terkait-hak-cipta/>.

copyright law¹⁶. The duration of copyright protection depends on what is being protected.

Copyright protection is throughout the creator's Lifetime +70 Years, a computer program is 50 years since it was first published, a performance by a performer is 50 years since it was first shown, a record production from a record Producer is 50 years since the work was fixed, and broadcasting institutions have 20 years of protection since it was first broadcasted.

B. 1. 1. History of Copyright and its Legal Basis in Indonesia

Historically, laws and regulations in the field of IPR in Indonesia have existed since the 1840s. The Dutch Colonial Government introduced the first law regarding the protection of IPR in 1844. Subsequently, the Dutch Government promulgated the Trademark Law (1885), the Patent Law (1910), and the Copyright Law (1912). Indonesia, which at that time was still called Dutch East-Indies, had been a member of the Paris Convention for the Protection of Industrial Property since 1888 and a member of the Berne Convention for the Protection of Literary and Artistic Works since 1914¹⁷.

During the Japanese occupation era, from 1942 to 1942, 1945, all laws and regulations in the field of IPR remain in force. On August 17, 1945, Indonesia proclaimed its independence. As stipulated in the transitional provisions of the 1945 Constitution, all laws and

¹⁶ Article 26, 43-51 Law Number 28 Year 2014

¹⁷“Sejarah Copyright,” Cloud Host ID, accessed December 19, 2022, <https://idcloudhost.com/apa-itu-copyright-pengertian-sejarah-fungsi-dan-manfaatnya/>.

regulations from the Dutch colonial heritage remain in effect as long as they do not conflict with the 1945 Constitution.

The Copyright Law and the Dutch Heritage Law are still in effect, however, the same doesn't apply to the Patent Law, which is deemed to be in conflict with the Indonesian government. As stipulated in the Dutch Heritage Patent Law, patent applications can be filed at the patent office located in Batavia (now Jakarta), but the examination of the patent application must be carried out at Octrooiraad in the Netherlands. In 1953 the Minister of Justice of the Republic of Indonesia issued an announcement that was the first set of national regulations governing patents, namely, the Minister of Justice Decree No. J.S. 5/41/4, which regulates the filing of domestic patent applications, and the Minister of Justice Decree No. J.G. 1/2/17 which regulates the provisional filing of foreign patent applications¹⁸. On October 11, 1961, the Indonesian government promulgated Law no. 21 of 1961 concerning Company Marks and Commercial Marks (1961 Trademark Law) to replace the Dutch colonial Trademark Law. The 1961 Trademark Law was the first Indonesian law in the field of IPR.

Based on article 24, Law no. 21 Years 1961, which reads "This law may be called the Trademark Law 1961 and comes into effect one month after this law is promulgated", this law came into force on November 11, 1961. The 1961 Trademark Law was enacted to protect the public from counterfeit/pirated goods. On May 10, 1979, Indonesia ratified the Paris Convention for the Protection of Industrial Property (Stockholm Revision 1967) based on Presidential Decree No.

¹⁸"Hak Cipta," Directorate General of Intellectual Property, accessed December 19, 2022, <https://www.dgip.go.id/menu-utama/hak-cipta/pengenalannya>.

24 of 1979. Indonesia's participation in the Paris Convention at that time was not full because Indonesia made exceptions (reservations) against a number of provisions, namely Articles 1 to 12, and Article 28 paragraph (1). On April 12, 1982, the Government passed Law No. 6 of 1982 concerning Copyright (Copyright Law 1982) to replace the Dutch legacy of Copyright Law. The ratification of the 1982 Copyright Law was intended to encourage and protect the creation, and dissemination of cultural products in the fields of scientific, artistic, and literary works and to accelerate the growth of national intelligence.

1986 can be called the beginning of the modern era of the IPR system in Indonesia. On July 23, 1986, the President of the Republic of Indonesia formed a special team in the field of IPR through Decree no. 34/1986 (This team is better known as the Presidential Decree Team 34). The main task of the 34th Presidential Decree Team is to cover the formulation of national policies in the field of IPR, the drafting of laws and regulations in the field of IPR, and the dissemination of the IPR system among relevant government agencies, law enforcement officials and the wider community. The Presidential Decree 34 team then made a number of breakthroughs, including taking a new initiative in handling the national debate about the need for a patent system in the country. After the Presidential Decree Team 34 revised the Patent Bill which was completed in 1982, finally, in 1989 the Government passed the Patent Law. On September 19, 1987, the Government of the Republic of Indonesia passed Law no. 7 of 1987 as an amendment to Law no. 12 of 1982 concerning Copyright. The explanation of Law no. 7 of 1987 clearly states that changes to Law no. 12 of 1982 were carried out because of the increasing number of

copyright infringements that could endanger social life and destroy people's creativity.

Following the ratification of Law no. 7 of 1987, The Government of Indonesia signed a number of bilateral agreements in the field of copyright as the implementation of the law. In 1988 based on Presidential Decree No. 32 it was decided to establish the Directorate General of Copyright, Patents, and Trademarks (DJ HCPM) to take over the functions and duties of the Directorate of Patents and Copyright which is an echelon II unit within the Directorate General of Law and Legislation, Ministry of Justice. On October 13, 1989, the House of Representatives approved the Bill on Patents, which was subsequently ratified as Law no. 6 of 1989 (1989 Patent Law) by the President of the Republic of Indonesia on November 1, 1989. The 1989 Patent Law came into effect on August 1, 1991. The ratification of the 1989 Patent Law ended a long debate about the importance of the patent system and its benefits for the Indonesian nation.

As stated in the considerations of the 1989 Patent Law, legal instruments in the field of patents are needed to provide legal protection and create a better climate for technological invention activities. This is because, in national development in general and in particular in the industrial sector, technology has a very important role. The ratification of the 1989 Patent Law was also intended to attract foreign investment and facilitate the entry of technology into the country. However, it was also emphasized that efforts to develop an IP system, including patents, in Indonesia were not solely due to international pressure, but also because of the national need to create an effective IPR protection system. On August 28, 1992, the Government of the Republic of Indonesia passed Law no. 19 of 1992

concerning Trademarks (1992 Trademark Law), which came into force on April 1, 1993. The 1992 Trademark Law replaced the 1961 Trademark Law. On April 15, 1994, the Government of Indonesia signed the Final Act Embodying the Result of the Uruguay Round of Multilateral Trade Negotiations, which includes the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). Three years later, in 1997 the Government of the Republic of Indonesia revised the set of laws and regulations in the field of IP, namely the 1987 Copyright Law jo. Law no. 6 of 1982, the 1989 Patent Law, and the 1992 Trademark Law.

At the end of 2000, three new laws were passed in the field of IP, namely Law no. 30 of 2000 concerning Trade Secrets, Law No. 31 of 2000 concerning Industrial Design, and Law No. 32 of 2000 concerning Layout Designs of Integrated Circuits. In an effort to harmonise all laws and regulations in the field of IP with the TRIPS Agreement, in 2001 the Government of Indonesia enacted Law no. 14 of 2001 concerning Patents and Law no. 15 of 2001 concerning Brands. These two laws replace the old laws in related fields.

B. 2. Copyright in the Digital Era

Since the beginning of the technological era, there has been an explosion of new copyright concerns brought before the courts. Copyright law has had to adapt to deal with a variety of new challenges brought about by the proliferation of new technologies and channels. The protection afforded by copyright laws has significantly

been broadened as a result of the proliferation of new digital and multimedia technologies¹⁹.

B. 2. 1. Risks in the Digital Era

The development of digital technology has been one of the most remarkable achievements that the intellect of man has ever produced. The advent of technology has made available a vast number of opportunities in a variety of spheres, including the media, entertainment, communication, advertising, and educational systems. On the other hand, the fact that content is readily available on the internet has raised significant concerns over the infringement of copyright²⁰. Copyright is one of the most significant Intellectual Property Rights, and it symbolizes the rights that the producers of literary and creative works are entitled to own.

Copyright protects authors and artists against infringement on their rights. It contains works from a variety of mediums, such as novels, paintings, computer programs, movies, databases, and maps, to mention a few. Because of digitalization, it is now far simpler to duplicate, recreate, and sell the works of a copyright owner without the owner's consent, and it is also more difficult to discover instances of copyright infringement. This has created a significant challenge to the rights of those who are entitled to copyright protection, sometimes known as creators.

¹⁹"Copyright Law In The Digital Era," Taschner Law Firm, accessed December 19, 2022, <https://www.taschnerlaw.com/copyright-law-in-the-digital-era#:~:text=On%20October%2028%2C%201998%2C%20the,and%20encryption%20and%20decryption%20technologies>.

²⁰Marybeth Peters, "The Challenge of Copyright in The Digital Age", 59, University of Colombia.

B. 2. 2. Importance of Protection in the Digital Era

It is currently far simpler than it ever was in the past to produce and distribute digital material because of the proliferation of social media platforms such as YouTube, Facebook, and Instagram. New "creators" are developing digital material in a variety of novel file formats. The end consequence is that the general public has a greater understanding of copyright law and the difficulties it raises. In the event that users of social media submit digital content without permission, they may get notifications of copyright infringement. Alternatively, their social media postings may be removed. In addition, the duplication or replication of an original work without the artist's permission is a problem for the copyrights of many artists who use social media platforms. As a consequence of this, a number of academics believe that the existing copyright rules are not keeping up with the quickly developing digital culture in our society²¹.

B. 3. Shadow Libraries

A shadow library is a collection of digital copies of books that are made available online for free, often without the permission of the copyright holder. Shadow libraries are typically created and maintained by individuals or organizations that believe in the free sharing of knowledge and information and that may have a political or ideological opposition to the concept of intellectual property²². These collections may include books that are in the public domain, as

²¹Marybeth Peters, "The Challenge of Copyright in The Digital Age", 61, University of Columbia.

²²W Master, "A list of the world's largest Shadow Libraries," Grey Coder, August 12, 2022, <https://greycoder.com/a-list-of-the-largest-shadow-libraries/>.

well as books that are still under copyright protection but are made available without permission from the copyright holder.

Shadow libraries can be controversial because they may be seen as a form of copyright infringement, although there are also arguments in favour of their existence. Some people believe that shadow libraries provide a valuable service by making knowledge and information more widely available to those who may not have access to it through traditional channels, while others argue that they undermine the ability of authors and publishers to make a living from their work and discourage the creation of new content.

There are a lot of well-known Shadow Libraries such as Library Genesis, Sci-Hub, Z-Library, etc. Here we will be discussing specifically on Z-Library and the downfall of the website.

B. 3. 1. Z-Library

Z-Library is a digital library and online platform that provides access to a collection of books, articles, and other documents that have been digitized and made available online. It is a shadow library, which means that it provides access to books and other materials that are often made available without the permission of the copyright holder. Z-Library offers a wide range of books in various languages and genres, including fiction, non-fiction, academic texts, and more.

On November 3rd of 2022, two Russian men, Anton Napolksy and Valeriia Ermakova, were arrested in Cordoba, Argentina at the request of the United States Federal Government Agency under the grounds of Criminal Copyright Violations. This was further confirmed on the 16th of November 2022 when the 2 Russian Nations

were indicted with Criminal Copyright Violations, money laundering, and wire fraud²³.

According to Vice, Napolsky and Ermakova were taken into custody not long after the Authors Guild, a group of authors that promotes the protection of copyrights, lodged a complaint with the Office of the United States Trade Representative on October 7th. The Authors Guild is an organization that exists to advocate for the protection of copyrights²⁴.

According to the indictment and the documents filed with the court, Z-Library promotes itself as "the world's largest library" and asserts that it makes available for download more than 11 million electronic books. Z-Library, which has been operational since approximately 2009, provides users with access to e-book files in a variety of file formats, all of which have had any copyright protections removed. Additionally, users are encouraged to upload and download titles. Z-Library does not have the legal authority or a license to distribute many of the e-books it sells because those e-books are protected intellectual property.

The authors of those books own the copyrights, and the publishers own the exclusive distribution rights. Z-Library does not have those rights or licenses, and the books can be found elsewhere only with anti-circumvention measures in place. As a result, one of the primary goals of Z-Library is to give users the ability to download

²³ "Two Russian nationals charged with running massive e-book piracy website," The United States Department of Justice, accessed December 10, 2022, <https://www.justice.gov/usao-edny/pr/two-russian-nationals-charged-running-massive-e-book-piracy-website>.

²⁴ E Maiberg, "Feds arrest two Russians behind 'world's largest library' of pirated books," VICE, November 17, 2022, https://www.vice.com/en/article/n7z5m7/feds-arrest-two-russians-behind-worlds-largest-library-of-pirated-books?utm_source=motherboard_twitter.

copyrighted books for free, which is against the law in the United States. In addition to its main website, Z-Library functions as a complex network consisting of approximately 249 web domains that are connected to one another. As a consequence of this action, the United States government has taken control of those domains and rendered them inaccessible online.

While members of the public compare this case to the “Modern day burning of the Library of Alexandria”²⁵, we know that the website was a gross violation of Intellectual Property Rights, specifically Copyright.

B. 3. 1. 1. Educational Accessibility

It is frequently unclear, according to Steven Tapia, a distinguished practitioner in residence at the law school of Seattle University, whether the content on these websites is posted illegally or not. Tapia maintains that it is the responsibility of the owners of the copyright to monitor who is using their content, despite the fact that some people believe Z-Library is responsible for hosting stolen works²⁶. Tapia provided the following explanation: "Someone who opens a platform like Z-Library is not responsible for what third parties post on a website until they are informed."

Lydia Bello, a science and engineering librarian, agrees with Tapia that the presence of websites such as Z-Library is both an

²⁵ Wrathsemilia, “Library of Alexandria,” Twitter, November 4, 2022, https://twitter.com/wrathsemilia/status/1588475791897395200?s=12&t=LZzuei-uv5wN06kq-Bu_Cg.

²⁶N Schorr, “Z-library shutdown raises questions about educational accessibility,” The Spectator, November 16, 2022, <https://seattlespectator.com/2022/11/16/z-library-shutdown-raises-questions-about-educational-accessibility/>.

indication of the need for students to have access to academic resources and a component of the information ecosystem.

According to what Bello said, "The world of textbooks is costly and not in the best interest of students." We are making an effort to address the problem and improve the overall experience for the students. According to Tapia, the existence of shadow libraries compels publishers to reassess the prices that they charge for their products.

Z-library provides access to more than just books; it also has a collection of scholarly articles. Students in countries located in the northern hemisphere frequently have access to academic papers because their educational institutions subscribe to journals. According to Khaled Faisal, a Ph.D. student who is conducting fieldwork at the Bangladesh University of Professionals, this is in stark contrast to the global south, where educational institutions in developing countries frequently cannot afford the cost of the programme. According to him, online resources such as Z-library help to close the knowledge gap that exists between the global north and the global south²⁷.

B. 3. 1. 2. Federal Charges

- a. Title 17, United States Code, Sections 506(a)(1)(A) and 2319(b)(1) [copyright];
- b. Title 18, United States Code, Sections 2 and 3551 [copyright];
- c. Title 18, United States Code, Sections 1349 and 3551 [conspiracy to commit wire fraud];

²⁷ N Rajalakshmi, "Z-Library was a lifeline for students on shoestring budgets-until the FEDS shut it down," Slate Magazine, November 15, 2022, <https://slate.com/technology/2022/11/z-library-pirated-books-papers-school-tor.html>.

- d. Title 18, United States Code, Sections 1343,2 and 3551 [wire fraud];
- e. Title 18, United States Code, Sections 1956(h) and 3551 [Money Laundering Conspiracy].

B. 3. 2. Illegal Book Reprints

Illegal book reprints are copies of books that are produced and distributed without the permission of the copyright holder. These copies of books are also referred to as pirated books. These copies are typically of a lower quality than the original, legally produced copies, and may be offered for sale at prices that are noticeably more affordable.

Infringing on someone's copyright, which includes the production and distribution of illegally copied books, is against the law in the majority of countries. The owners of the copyright to a work have the sole and exclusive right to reproduce and distribute that work; anyone who does so without the owner's permission is infringing on those owners' rights.

B. 3. 2. 1. Piracy in Indonesia

It is not difficult to locate counterfeit copies of books in Indonesia. Those who are interested can find inexpensive versions of practically any title, whether it is old or new, foreign or Indonesian, in a variety of locations, including kiosks and outlets in shopping centres, as well as a variety of online commerce platforms that host vendors carrying illicit goods.

Books that have been illegally copied can range from obvious photocopies to black-and-white scanned prints to high-quality reproductions. These books can be found in a wide range of price points and quality levels.

There are a lot of people who sell illegal copies of e-books online, and a lot of them use digital messaging apps like Telegram to do it. On the other hand, book clubs typically share original e-book files or PDF copies among their members²⁸.

Many people consider it a victory when they are able to acquire high-quality reading material at the most affordable price possible, or even for no cost at all. However, this is precisely the reason why the creative industry is engaged in a never-ending battle against piracy, which is frequently carried out by literary fans who ought to be supporting authors and the industry that provides them with a living.

B. 3. 2. 2. Piracy in India

Book pirates have a sixth sense for what will be most popular with customers. According to them, the books that are most popular in India are textbooks for schools and colleges, novels written in Hindi by well-known authors, and works of English fiction that have been published in the West. It is difficult to determine the scope of the piracy problem due to the clandestine nature of the activity and the dispersed nature of its operations. In 1970, a publishing executive looked into the issue, and based on his findings, he estimated that it

²⁸ V Evan, "Book piracy: Cash-strapped and hungry for knowledge, or simply fraud?," The Jakarta Post, May 5, 2021, <https://www.thejakartapost.com/life/2021/05/21/book-piracy-cash-strapped-and-hungry-for-knowledge-or-simply-fr-aud.html>.

accounted for seven percent of the overall publishing trade²⁹. Because textbooks are such a lucrative business, pirates are interested in them. Every year, there must be millions of copies produced. About 200,000 copies of a single book are required to fulfill a print order for that book to be used in primary schools. Because the demand is so great, both private and public publishers are working together, but they still can't meet it completely. When schools reopen for the year, there is almost always a shortage of the required textbooks that have been ordered. This is the point at which the pirate enters the picture.

The months of March and April are typically the busiest for pirates. They only need to make a copy of a real book to satisfy this requirement. This is carried out on the same offset presses that are utilized in the production of movie posters. These presses can be found in almost all of the major and minor towns. The economy necessitates the printing of at least 5,000 copies, but the majority of pirates print twice that number. The expense of printing the book amounts to no more than one-quarter of the cost of the original copy.

The second trick of the trade involves the distribution and sale of these types of books. They sell these counterfeit copies to the same bookseller who is also selling the genuine copies within the same geographical area. But you should offer a profit margin that is unmatched by any traditional publisher. Therefore, the margin is so appealing for the bookseller, and he cannot afford to risk losing the goose that lays the golden egg if he wants to keep eating. In exchange, he shields the pirate publisher from any nosy investigators who may show up.

²⁹Irro, "The book piracy game out," Indian Reprographic Rights Organisation (IRRO). October 26, 2022, <https://www.irro.org.in/the-book-piracy-game-out/>.

In Delhi, The police in Ghazipur got a tip that he was publishing illegal copies of National Council of Educational Research and Training (NCERT) textbooks, so they went to investigate. According to the police, a college dropout who was operating an illegal printing press in Ghazipur, located in east Delhi, had nearly 4,000 counterfeit copies of NCERT books in his possession. The man who was arrested, identified as Abhishek Chaudhary (28), was taking "advantage of the increased demand for the books after the government's efforts to make NCERT textbooks mandatory in CBSE-affiliated schools," according to Rajiv Ranjan, additional commissioner of police (crime branch)³⁰.

According to the officer, Chaudhary was taken into custody on Tuesday of this week after the police in Ghazipur received information that he was publishing counterfeit textbooks written by the National Council of Educational Research and Training (NCERT). The officer claimed that the suspect "was using the latest machines for printing these textbooks and procuring the NCERT watermark paper from Chawri Bazar in central Delhi and selling the books all over the country."

In addition to printing machines, the alleged recovery included 3,165 printed textbooks and 700 books that were still in the process of being completed.

Conclusion

In conclusion, copyright law is a legal concept that provides creators with exclusive rights to their original works of authorship,

³⁰D News, "Pirated books seized from illegal printing press in Delhi," Hindustan Times, October 21, 2022, <https://www.hindustantimes.com/delhi-news/pirated-books-seized-from-illegal-printing-press-in-delhi/story-uZK9jPNOjigWbTl3ffUz7O.html>.

from books, to articles, to movies. These rights allow creators to control how their works are used and distributed, and to receive financial compensation for the use of their works. While copyright law aims to protect the rights of creators and ensure that they are fairly compensated for their work, it causes issues to those who want to access literary works for education, especially ones that are less fortunate. Z-Library provided a space for everyone to freely access educational works, articles, and other forms of documents. At the same time Z-Library also infringes on the rights of authors who have created original works causing them to receive damages. It is important to also balance these protections with the need for access to information and the public's right to use and build upon the work of others.

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