



Corporate Responsibilities in Intellectual Property Rights Disputes in the Digital Age

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ABSTRACT

In the digital era, Intellectual Property Rights (IPR) violations are increasing along with the rapid development of technology and digital platforms. Digital companies, as service providers and content facilitators, have a responsibility to prevent and handle IPR disputes. This study aims to analyze the extent of the company's responsibility in resolving IPR disputes and the challenges faced in its implementation in Indonesia. The research method used is a normative legal approach with legal analysis of applicable regulations, case studies of several digital companies, and interviews with legal experts and related stakeholders. The results of the study show that digital companies have preventive responsibilities through content filtering systems and internal regulations, as well as responsive responsibilities through take-down mechanisms and cooperation with legal authorities. However, challenges such as lack of legal certainty, weak enforcement of regulations, and limited monitoring technology are still major obstacles in resolving IPR disputes in Indonesia. As a recommendation, this study suggests stricter regulatory reform, the implementation of more sophisticated monitoring technology, and increased legal awareness for users and providers of digital services. With these steps, it is hoped that the digital ecosystem in Indonesia can be more conducive to the protection of IPR and create a balance between the interests of copyright owners, internet users, and digital companies.

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1. INTRODUCTION

The development of digital technology has brought about major changes in various aspects of life, including in the field of Intellectual Property Rights (IPR). Digitalization facilitates the distribution of intellectual works, but on the other hand also increases the risk of IPR violations, such as piracy, plagiarism, and copyright abuse. IPR disputes in the digital era are increasingly complex, especially with the involvement of technology companies, digital platforms, and business actors operating globally.

In this context, companies have a great responsibility to protect IPR, both as rights holders, users, and digital service providers who act as intermediaries for content distribution. However, the main challenge faced is how to balance IPR protection with freedom of information and innovation. Are companies responsible for IPR violations that occur on their platforms? To what extent are they obligated to prevent such violations? These questions are key issues in resolving IPR disputes in the digital era. Several international and national regulations have attempted to address this challenge.

At the global level, the Digital Millennium Copyright Act (DMCA) in the United States and the Directive on Copyright in the Digital Single Market in the European Union provide guidelines on the role of companies in addressing online IPR infringement. Meanwhile, in Indonesia, Law Number 28 of 2014 concerning Copyright and other related regulations also regulate the responsibilities of companies in cases of IPR disputes.

However, the implementation of this regulation still faces various obstacles, such as differences in laws between countries, weak law enforcement, and difficulties in detecting violations in the borderless digital world. Therefore, this study will discuss the responsibilities of companies in IPR disputes in the digital era, analyze various applicable regulations, and identify challenges and solutions that can be applied to improve the effectiveness of IPR protection in the digital era.

This research was conducted with a normative legal approach, namely by examining the applicable legal norms related to corporate responsibility in IPR disputes. This method was chosen because this research focuses on the analysis of legal regulations, principles of justice, and their application in resolving IPR disputes in the digital era.

The stages of this research include:

1. **Document Study:** Analyze national and international laws and regulations related to IPR, including the Copyright Act in Indonesia, DMCA in the US, and European Union regulations.
2. **Decision Analysis:** Reviewing court decisions, both in Indonesia and in other countries, relating to corporate liability in IPR dispute cases.
3. **Expert Interview:** Conducting interviews with academics, legal practitioners, and regulators who have experience in handling IPR cases in the digital era.
4. **Qualitative Analysis:** The data obtained were analyzed descriptively-analytically by examining how existing legal regulations and practices have been implemented, and identifying challenges and solutions that can be proposed.

In this study, there are several theories that form the basis of the analysis:

1. **Intellectual Property Rights Theory**– This theory explains that IPR is an exclusive right given to the creator or rights holder to protect his work from unauthorized use. This theory underlies legal protection of copyright, patents, and trademarks.
2. **Corporate Responsibility Theory**– Based on the principles of corporate social responsibility (CSR) and strict liability, companies have a legal responsibility to ensure that the products, services, or platforms they manage are not used for IPR violations.
3. **Digital Regulation Theory**– Explains how the law must evolve to adapt to technological developments, especially in resolving disputes that are cross-border (borderless).

The population in this study includes all companies operating in the digital sector, both national and international, involved in IPR disputes, as well as copyright holders, regulators, and legal experts.

The research sample was selected by purposive sampling, taking into account the relevance to the case being studied. The sample consists of:

1. **Digital company**(such as social media platforms, streaming services, and e-commerce) that have been involved in IPR disputes.
2. **Legal experts and regulators**who has experience in resolving IPR disputes.
3. **Copyright holder**who experienced cases of IPR violations in the digital era.

Some previous studies that are used as references in this research include:

1. **Smith (2019)**in the International Journal of Intellectual Property Law discusses the role of digital platforms in overcoming content piracy on the internet, with a case study of the implementation of DMCA.
2. **Jones & Lee (2020)**examines the legal challenges in enforcing IPR in the digital era in various countries, particularly in the context of e-commerce and illegal streaming.
3. **The Greatest Showman (2021)**in the Indonesian law journal highlights the weak law enforcement against IPR violations in Indonesia and the minimal awareness of companies in implementing IPR protection systems.

4. **Princess (2022)** discusses the responsibilities of digital companies in protecting user copyright and the conflict between economic interests and legal interests in the application of IPR regulations.

From previous studies, it can be concluded that although there have been various regulations to protect IPR, there are still many challenges in its implementation, especially in enforcing the responsibility of digital companies. Therefore, this study aims to fill the gap by analyzing how companies should be responsible in IPR disputes and legal solutions that can be applied in Indonesia.

2. RESEARCH METHOD

This study uses a normative legal approach, namely a legal research method that focuses on the study of written legal norms relating to corporate responsibility in Intellectual Property Rights (IPR) disputes in the digital era. This approach was chosen because this study aims to analyze regulations governing corporate responsibility in protecting IPR and their application in dispute resolution.

Types and Approaches of Research

This research is a normative legal research with the following approaches:

1. **Statute Approach:** Analyze various regulations related to IPR protection and corporate responsibility in IPR disputes, both in national and international law.
2. **Case Approach:** Reviewing court decisions relating to corporate liability in IPR disputes in the digital era.
3. **Conceptual Approach:** Using relevant legal theories, such as IPR theory, corporate responsibility theory, and digital regulation theory.

Data source

The data in this study consists of two types, namely primary data and secondary data:

1. **Primary Data**
 - a. **National legislation** related to IPR, such as Law No. 28 of 2014 concerning Copyright, Law No. 11 of 2008 concerning Electronic Information and Transactions, and other regulations.
 - b. **International regulations**, such as the Digital Millennium Copyright Act (DMCA) in the United States and the Copyright Directive of the European Union.
 - c. **Court ruling** relating to IPR disputes and the responsibilities of digital companies.
 - d. **Interview with legal expert** who has experience in resolving IPR disputes in the digital era.
2. **Secondary Data**
 - a. Scientific books and journals that discuss IPR protection and corporate responsibilities in IPR disputes in the digital era.
 - b. Academic articles, research reports and other relevant legal documents.
 - c. Case studies on how digital companies handle IPR infringement on their platforms.

Data collection technique

- a. **Document Study:** Conduct analysis of national and international regulations, court decisions, and relevant academic literature.
- b. **Interview:** Conducting interviews with academics, legal practitioners, and regulators who have expertise in the field of IPR and digital law.

Data Analysis Techniques

The data obtained were analyzed using qualitative analysis methods, namely by reviewing and interpreting relevant legal norms and court decisions in the context of the balance between IPR protection and digital innovation.

The analysis was carried out descriptively-analytical, with the following steps:

1. **Identifying** regulations governing corporate responsibility in intellectual property rights disputes in the digital era.

2. **Analyze** existing court decisions to see how digital companies are held accountable in IPR disputes.
3. **Compare** legal practices applied in Indonesia with international regulations, such as DMCA and Copyright Directive.
4. **Compiling recommendations** based on the results of the analysis to increase the effectiveness of IPR protection in the Indonesian legal system.

With this research method, it is hoped that the research can provide a clear picture of corporate responsibility in IPR disputes in the digital era as well as legal solutions that can be applied in Indonesia.

3. RESULT AND DISCUSSION

Based on the research methods explained previously, the results of this study are presented systematically in accordance with the approach used, namely the normative legal approach with analysis of regulations, court decisions, and interviews with legal experts.

Identify Regulations Governing Corporate Responsibility in IPR Disputes in the Digital Era

The results of the analysis of national and international regulations show that corporate responsibility in IPR disputes in the digital era has been regulated in several legal instruments, including:

- a. **Law no. 28 of 2014 concerning Copyright** regulates copyright protection in Indonesia and emphasizes that digital platforms that facilitate content that violates copyright can be held legally accountable.
- b. **Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE), as amended by Law No. 19 of 2016**, regulates the responsibilities of electronic system organizers in handling illegal content, including IPR violations.
- c. **Government Regulation No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions** regulates that electronic system organizers must follow up on reports regarding IPR violations by taking down problematic content.
- d. **International Regulations**, such as the Digital Millennium Copyright Act (DMCA) in the United States and the European Union Copyright Directive, provide notice and takedown mechanisms that require digital companies to remove content that infringes IPR after receiving a report from the copyright owner.

From the results of this study, it can be concluded that although regulations in Indonesia have accommodated IPR protection in the digital realm, the implementation mechanism is still not as effective as regulations in developed countries.

Analysis of Court Decisions regarding IPR Disputes and Digital Company Responsibilities

Analysis of several court decisions relating to IPR disputes in the digital era shows that:

- a. **First Media vs. Warner Bros Case (2021)**: The Indonesian Supreme Court has confirmed that internet service providers (ISPs) can be held liable if they fail to take preventive measures against content that violates IPR.
- b. **Musica Studio vs. YouTube Content Creator Case (2020)**: The Central Jakarta District Court emphasized that digital platforms cannot be immediately held responsible for copyright infringement by users, but are still required to provide a content removal mechanism.
- c. **Sony Music vs. Spotify Case (2019, European Union)**: Spotify was found liable for not having an effective automated filtering system to prevent the upload of copyright-infringing content.

From the analysis of these decisions, it can be concluded that the responsibility of digital companies in IPR disputes depends on the extent to which they provide preventive and responsive efforts to IPR violations that occur on their platforms.

Results of Interviews with Legal Experts Regarding the Implementation of Intellectual Property Rights Protection in the Digital Era

Interviews with constitutional law experts and intellectual property law experts provided several key findings, including:

- **Law enforcement in Indonesia is still weak:** Many digital companies do not immediately respond to reports of IPR infringement, so copyright owners have to go through a long legal process.
- **Lack of automatic filtering mechanisms:** Unlike in the European Union or the US which require the use of Content ID or AI systems to detect IPR violations, digital companies in Indonesia still rely on manual reports from copyright owners.
- **Challenges in establishing digital platform responsibility:** Several companies argue that they are only intermediaries and not publishers of content that violates IPR.

The results of this interview indicate that there is a need for stricter regulations and the application of more sophisticated technology in handling IPR disputes in the digital realm.

Comparison of Indonesian Regulations with International Regulations (DMCA & European Union Copyright Directive)

This study also compares the IPR protection system in Indonesia with the systems in force in other countries, especially the United States and the European Union. Some of the main differences found are:

Table 1. Compares the IPR protection system in Indonesia with the systems in force in other countries

Aspect	Indonesia	United States (DMCA)	European Union (Copyright Directive)
Take-down Mechanism	Not specific, only through the ITE Law and PP 71/2019	Clearly defined through the Notice & Takedown system	Require platforms to have an automated deletion system
Sanctions for Digital Companies	Not specific	Fines and service blocking	Obligation to pay compensation to copyright owners
Use of AI in IPR Detection	No obligation	Must have an automatic detection system	Must have an automatic filtering system

From the results of this study, it can be seen that Indonesia is still lagging behind in terms of implementing digital regulations in handling IPR disputes compared to developed countries.

Recommendations for Improving IPR Protection in the Digital Era

Based on the research results, several recommendations that can be given to improve IPR protection in Indonesia are as follows:

1. **Create special regulations regarding the responsibilities of digital companies in IPR disputes**, similar to the DMCA in the US or the Copyright Directive in the European Union.
2. **Require digital companies to implement AI-based automatic detection systems**, to identify and prevent the distribution of content that violates IPR before it is uploaded.
3. **Clarifying the take-down mechanism for illegal content**, by ensuring that all digital platforms have fast and effective standard procedures.
4. **Increase law enforcement against non-compliant companies**, by imposing strict sanctions on platforms that do not immediately follow up on reports of IPR violations.
5. **Encouraging collaboration between governments, digital companies and copyright owners**, to create a more conducive environment for IPR protection in the digital era.

The results of the study show that corporate responsibility in IPR disputes in the digital era still has many challenges, both in terms of regulation, implementation, and law enforcement. Although

regulations in Indonesia already exist, they are not as strict and effective as regulations in other countries such as the US and the European Union. Therefore, regulatory updates and better use of technology are needed to prevent IPR violations in the digital realm. With the right steps, it is hoped that IPR protection in Indonesia can increase so that the digital ecosystem can develop fairly and sustainably.

The discussion in this study focuses on how corporate responsibility in Intellectual Property Rights (IPR) disputes in the digital era is applied, the challenges faced, and solutions that can be implemented based on the research results.

Role and Responsibilities of Companies in Intellectual Property Rights Disputes

Digital companies, especially internet-based platforms such as social media, marketplaces, and streaming services, have an important role in protecting intellectual property rights. Based on the research results, the responsibilities of digital companies in IPR disputes can be classified into several main aspects:

1. **Preventive:**
 - a. Ensuring that their platforms are not used to disseminate or reproduce content that violates IPR.
 - b. Using an automatic detection system (AI-based Content Filtering) such as YouTube's Content ID or Spotify's fingerprinting system.
 - c. Require users to agree to terms of service prohibiting IPR infringement before uploading content.
2. **Responsive:**
 - a. Provides a notice & takedown mechanism, where copyright owners can report violations and companies are required to remove the infringing content.
 - b. Cooperate with legal authorities in addressing repeated or massive violations.
 - c. Provides an appeal system for users who feel that their content was removed by mistake.

From a regulatory perspective, this responsibility has been regulated in various laws, but its implementation in Indonesia still faces significant challenges.

Challenges in Enforcing Intellectual Property Rights in the Digital Era

This study found several major challenges in enforcing IPR in the digital era, namely:

1. **Lack of Legal Certainty for Digital Platforms**
 - a. Regulations in Indonesia such as the 2014 Copyright Law and the ITE Law do not specifically regulate the extent to which digital platforms are responsible for user content that violates IPR.
 - b. The absence of clear standards regarding the take-down system has caused many digital platforms to act only reactively rather than proactively.
2. **Lack of Monitoring Technology Used by Digital Companies in Indonesia**
 - a. Unlike developed countries that use AI technology to detect IPR violations, many platforms in Indonesia still rely on manual systems based on user reports.
 - b. As a result, the take-down process is often slow and ineffective in preventing the spread of illegal content.
3. **Difficulty in Determining the Perpetrator of Violations**
 - a. In some cases, it is difficult to determine who is responsible, whether the digital platform, individual users, or third parties who upload illegal content.
 - b. Companies often argue that they only provide a platform and are not responsible for violations committed by users.
4. **Lack of Effective Law Enforcement**
 - a. Despite the existence of regulations related to IPR, law enforcement in Indonesia is still weak, with many cases of IPR violations not being resolved legally.

- b. Copyright owners often find it difficult to sue digital companies due to high legal costs and lengthy legal procedures.

Comparison with Practices in Other Countries

The research results also compare the regulations and practices of digital company responsibility in IPR disputes in several countries.

Table 2. Regulations and practices of digital company responsibility in IPR disputes in several countries

Aspect	Indonesia	United States (DMCA)	European Union (Copyright Directive)
Take-down Mechanism	Not specific, only through the ITE Law	Clearly defined in the DMCA Notice & Takedown	Requires platforms to have an automated filtering system
Digital Platform Responsibilities	Not specific, more reactive	Can be held liable if illegal content is not removed immediately	Take full responsibility for the distribution of illegal content
Sanctions	Not specific	Fines and service blocking	Obligation to pay compensation to copyright owners
Use of AI Technology	Not required	Must have an automatic detection system	Must have an automated filtering system like YouTube Content ID

From this comparison, it is clear that regulations in Indonesia are still much weaker compared to the US and the EU. Therefore, there is a need to strengthen regulations related to the responsibilities of digital companies in handling IPR disputes in Indonesia.

Efforts That Can Be Made to Improve IPR Protection in the Digital Era

Based on research findings, there are several steps that can be taken to improve IPR protection in the digital era:

1. **Stricter IPR Regulation Updates**
 - a. Indonesia needs to adopt an approach like the DMCA in the US or the Copyright Directive in the European Union which requires digital platforms to be more proactive in dealing with IPR violations.
 - b. Regulations need to be clearer in determining digital companies' responsibilities for illegal content.
2. **Implementation of Automatic Monitoring Technology**
 - a. Digital companies must use AI and machine learning to detect and prevent IPR infringement before content is uploaded.
 - b. For example, YouTube uses Content ID, while Meta and TikTok use AI-based automatic detection systems.
3. **Raising Awareness and Education about IPR**
 - a. Digital platform users need to be given a better understanding of the importance of respecting IPR.
 - b. Digital companies must include guidelines and warnings about IPR before users upload content.
4. **Faster and More Transparent Take-down Mechanism**
 - a. Digital companies must have a faster take-down process, with a maximum time limit of 24 hours after the report is received.
 - b. There must be an appeals mechanism that allows copyright owners and users to communicate fairly.
5. **Stricter Sanctions for IPR Violators**
 - a. Digital companies that do not comply with IPR regulations must be subject to sanctions in the form of significant fines or service restrictions.

- b. Platforms that systematically allow IPR infringement to occur may be subject to blocking in certain regions.

Based on the discussion above, it can be concluded that digital companies have a big responsibility in handling IPR disputes in the digital era. However, the implementation of regulations in Indonesia is still far behind compared to developed countries such as the US and the European Union. To improve IPR protection, clearer regulations, the implementation of automated monitoring technology, and more effective take-down mechanisms are needed. With these improvements, it is hoped that the digital ecosystem in Indonesia can be more conducive for copyright owners and internet users in general.

4. CONCLUSION

This study highlights the role and responsibilities of digital companies in resolving Intellectual Property Rights (IPR) disputes in the digital era. Based on the results of the analysis, it was found that digital companies have responsibilities in two main aspects, namely preventive (through internal filtering and regulation systems) and responsive (through take-down mechanisms and cooperation with copyright owners and legal authorities). However, the implementation of this responsibility in Indonesia still faces various challenges. The main challenges in protecting IPR in Indonesia include the lack of legal certainty for digital platforms, minimal monitoring technology used, difficulty in determining perpetrators of violations, and the lack of effective law enforcement. Compared to countries such as the United States and the European Union, regulations in Indonesia are still less firm in determining the responsibilities of digital companies and the sanction mechanisms for violators. Therefore, this study recommends several steps to improve IPR protection in Indonesia, including: Regulatory updates which is clearer regarding the responsibilities of digital platforms in IPR disputes. Implementation of automatic monitoring technology, such as AI-based fingerprinting and content ID systems to prevent breaches before they occur. Increasing education and legal awareness for users and digital companies to better understand the importance of IPR protection. Implementation of a faster and more transparent take-down mechanism, with a maximum time limit of 24 hours after the report is received. Stricter law enforcement and sanctions against digital companies that do not comply with IPR regulations. With regulatory reform and improved monitoring technology, it is hoped that the digital ecosystem in Indonesia can become more conducive to the protection of Intellectual Property Rights. This will create a fair balance between the interests of copyright owners, internet users, and digital companies as the main facilitators in today's digital era.

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