

Independent Research Paper Title: Secured Creditor: Case Study on Copyright
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ABSTRACT

For recent years, the secured transaction has been developed so much. The present laws such as the Civil and Commercial Code in the matter of secured creditor (such as Pledge, Mortgage, and Guarantee) still has the limitation of the securable property by its principle of law. This can be an obstacle to the new kind of property in present day or in the future to be secured as collateral. The new model law on Secured Creditor such as the model law of the Secured Creditor Act is the new law for securing such property to assure the creditor which is very interesting.

Nevertheless, the copyright is considered as assets of the debtor to be secured as collateral because it has the characteristic that is able to gain economic benefit in the business field, but because of its uniqueness of the Automatically Protection, this will be the one of important obstacles to secure it as collateral. And the evaluation of the secured copyright still has no principle or base about the procedure to evaluate or trace its value.

The result from these obstacles is that copyright is not able to secure as collateral yet. If the secured party wants to secure his copyright as collateral, he must do as in contractual way to absolutely assign his copyright to the creditor.

In this research, it will study both the domestic laws and international laws and look up into the problems of securing the copyright as collateral and try to find the way to solve these problems.