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# THE APPLICATION OF THE FAIR USE DOCTRINE IN COSPLAY ACTIVITIES AT FESTIVALS AS A MEANS OF PROMOTION

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**Abstract**

Cosplay, which means costume play, is the activity of wearing and portraying fictional characters from anime, manga, or video games. This practice raises legal issues within the copyright regime because it involves the use of protected characters without the permission of the copyright holder. On the other hand, some cosplayer communities believe that this activity falls under the category of fair use because it is generally carried out as a form of creative expression, is free of charge, and is not solely aimed at economic gain. However, the development of the cosplay industry shows the existence of commercial activities, such as costume making services and organizing various festivals, making the line between non-commercial and commercial use increasingly blurred. Meanwhile, for copyright holders, cosplay activities can also provide benefits as an indirect promotional medium for their works. Therefore, a legal study is needed to analyze the position of cosplay practices from a copyright perspective, particularly regarding the application of the principle of fair use under Indonesian copyright law. This study is expected to provide legal certainty that balances copyright protection and space for expression for the cosplay community.

**Keywords:** copyright, cosplay, promotion, law.

## A. Introduction

Cosplay is an acronym for costume play, which is the activity of wearing costumes and acting fictional characters that generally come from manga, anime, games, and other popular media. This activity is not only seen as a form of entertainment, but also one of the manifestations of popular culture that is growing rapidly in various countries, including Indonesia. Along with the development of the creative industry, cosplay has undergone a transformation from just a hobby to an activity that has economic value and commercial potential.

From a creative economy perspective, various forms of hobbies can be developed into business opportunities that provide economic added value. Activities that were

previously seen only as a means of recreation are now able to generate income through the use of creativity, skills, and innovation. Similarly, cosplay, which is no longer limited to a medium of self-expression, but also develops into a profession and a source of income for some of its perpetrators.

The development of the popular culture industry has also opened up various economic opportunities for the cosplay community. A number of professional cosplayers earn income through various activities, such as being a guest star at popular cultural festivals, participating in cosplay competitions, conducting photo sessions, promoting products through partnerships with certain brands (endorsements), and producing digital content on various social media platforms. This condition shows that cosplay activities have become part of the creative economy ecosystem that utilizes creativity as a source of economic value.

Cosplay activities are generally held in various events oriented to popular culture, such as anime festivals, comic exhibitions, game conventions, and cosplay competitions. In its implementation, cosplayers try to represent the character played optimally through the use of costumes, makeup, accessories, and character appreciation. The effort aims to create a visual representation that resembles the original character so that it can provide a more authentic and immersive experience for visitors. In addition, cosplay activities are also a medium for individuals to express creativity, develop self-identity, and build social interaction with communities that have similar interests. [1]

[1] M. Rochmat Purboyo, "The 'Cosplay' Business; Profitable Hobbies," Bisnis Indonesia, 2023.

Based on a report by Credence Research, Inc., the global cosplay costume and wig industry has shown a very positive growth trend in recent years. The market value of the industry in 2022 reached USD 34.5 billion and is projected to increase to USD 92.8 billion by 2030. This growth is estimated to take place at a compound annual growth rate (CAGR) of 15.20% during the 2023-2030 period. The increase in market value is supported by the dominance of the costume segment which controls 62.83% of the global market share in 2022, while the wig segment is projected to record the fastest growth rate with a CAGR value of 15.28%.

Historically, the global costume industry has been dominated by seasonal demand, especially for Halloween celebrations which account for more than 25.9% of the total market demand, followed by the need for Christmas celebrations. However, in recent years there has been a change in consumption patterns marked by a significant increase in demand for cosplay costumes and wigs. This condition shows a shift in consumer preferences from seasonal needs to needs driven by the development of popular culture, the entertainment industry, and the creative community.

In terms of distribution, online-based sales channels will be the marketing channels that dominate the global market in 2022. However, offline sales channels are projected to experience the highest growth rate in the coming period as the organization of various festivals, conventions, and popular cultural exhibitions that allow consumers to make in-person purchases increases. Based on geographical distribution, the North America, Europe, and Japan regions control more than 74% of the global market share of the cosplay costume and wig industry, while the Asia Pacific Excluding Japan (APEJ) region contributes around 17.84% to the total

world market value. The findings show that the cosplay industry has evolved to be part of a global creative industry that has very promising economic growth prospects. [2]

Although the cosplay industry is showing positive growth, its market reach is still relatively limited as it is dominated by the popular culture fan community. The use of cosplay costumes is generally situational and concentrated on specific activities, such as festivals, conventions, and competitions, so the demand for products is not yet massive. In addition, the high preference of cosplayers to make or modify costumes independently has also limited the growth of the finished product market.

On the other hand, the increasing popularity of global popular culture continues to drive the development of the cosplay industry. Various international events, such as the World Cosplay Summit, Anime Expo, Comic-Con International, and Gamescom, play a role in expanding cosplay exposure while increasing the demand for costumes and accessories. In Indonesia, cosplay began to develop in the early 2000s through popular cultural festivals, competitions, and community activities that gradually formed a national cosplay ecosystem.

As it developed, cosplay was no longer seen solely as a recreational activity, but also as part of the creative economy. For some of the perpetrators, cosplay has evolved into a profession that generates income through competitions, partnerships with brands, digital content creation, and participation in various events. This condition shows that

[2] "Cosplay Costumes And Wigs Market By Type (Costumes, Clothing, Footwear, Accessories & Props, Wigs) By Themes (Christmas, Halloween, Anime, Games, TV & Movies, Others)-Growth, Future Prospects & Competitive Analysis, 2016 – 2030," Credence Research, 2023.

cosplay has greater economic potential along with the increasing popular culture industry and creative economy. [3]

The practice of cosplay is closely related to the intellectual property rights (IPR) regime because it involves the use and representation of characters derived from copyrighted works, such as manga, anime, and video games. On the one hand, cosplay is a form of creative expression that contributes to the development of popular culture and the creative economy, while on the other hand, these activities have the potential to cause legal problems if they use elements of the work without paying attention to the rights of copyright holders. Therefore, a legal study is needed that is able to balance copyright protection with a space of expression for cosplay actors through the application of fair use principles or proportionate copyright exceptions.[4]

**B. Problem Formulation**

Based on these conditions, this research is focused on two main problems, namely whether the practice of cosplay can be qualified as an object that receives protection in the copyright regime and how the legal basis for the application of the fair use principle to the practice of cosplay as a form of promotion in the perspective of copyright law.

**C. Research Objectives**

The research aims to explain the legal certainty related to cosplay as free promotion by clarifying the qualifications of cosplay practices as objects that obtain protection in the copyright regime as well as the legal basis

[3] opcit, M. Rochmat Purboyo, "The 'Cosplay' Business; A profitable hobby."
[4] Sudjana, "restrictions on the protection of intellectual property (copyright) in the perspective of human rights," *Journal of Human Rights Research* Vol. 10, no. No. 1 (2019), p.3.

for the application of fair use principles to cosplay practices as a form of promotion in the perspective of copyright law.

**D. Research Methods**

The type of research used in this study is normative juridical law research. This approach positions law as a norm contained in laws and regulations (law in books), as well as as a set of rules that serve as guidelines in regulating human behavior that is considered appropriate. Thus, the focus of the analysis lies on the normative aspects of the law, rather than on empirical practice in the field. This normative legal research is based on the use of primary legal materials and secondary legal materials. Primary legal materials include laws and regulations relevant to the object of study, while secondary legal materials include literature, doctrines, and related results of previous research. All of these materials are analyzed to examine the legal norms that govern the problems being studied.

**E. Research and Discussion Results**

1. **The practice of cosplay can qualify as a protected object under the copyright regime**

Normatively, the Indonesian Copyright Law of 2014 stipulates that the objects of work that receive protection include various categories of works, including written works, lectures, educational props, music, drama, dance, choreography, puppetry, and pantomime. In addition, protection also includes works of art in various forms such as paintings, drawings, carvings, calligraphy, sculptures, and collages, as well as works of applied art, architecture, maps, batik art, photography, portraits, and cinematography. Not only original works, the law also recognizes the protection of derivative works such as translations, adaptations, arrangements, modifications, compilations,

databases, to computer programs and video games.[5]

In the international sphere, the Bern Convention as the main basis of the global copyright regime also stipulates that protected works include literary and artistic works, fixation works, derivative works, official texts, compilations, works of beneficial value, works of applied art and industrial design, and works in the form of news. This provision shows that copyright protection is not only limited to the original work, but also covers forms of development and transformation of pre-existing works.[6]

When analyzed through a conceptual approach and elements in copyright, the practice of cosplay is related to several categories of protected works, particularly in the aspects of applied artwork and industrial design, as well as the concept of adaptation and derivative works. This is due to the characteristics of cosplay that involve the process of reproduction, interpretation, and modification of existing fictional characters, thus placing them in a gray area between creative expression and potential copyright infringement.[7] Therefore, further study is needed to determine the appropriate legal limits on qualifying cosplay in the copyright regime.

The Bern Convention as the main instrument in the international copyright regime provides protection for various types of works, including literary and artistic works, fixed works, derivative works, compilations, official texts, applied artworks,

[5] "Your Excellency, Your Excellency, *Mastering the A1 Era: Invasion, Regulation and the Future of Intellectual Property Rights*,, Alumni Publisher, Bandung, 2024, pp.7-18.
[6] Eddy Damian, *Copyright Law Edition 6* , Alumni Publisher, Bandung 2022, pp. 112-115.
[7] Sarah Alzagladi et al., "Copyright Transfer in Audiovisual Adaptation Works and Their Implications Based on Copyright Law," *Binamulia Hukum, vol.* 14, no. 2 , 2025, pp. 5–9.

industrial designs, and other works that meet the requirements for copyright protection. When associated with cosplay practices, the most relevant categories are applied artworks, adaptations, and derivative works because cosplay activities involve the reproduction and interpretation of characters derived from the owner of the copyright. In the perspective of the Bern Convention, the artwork in question basically refers to works of art, while applied works of art are works that have artistic elements as well as functional value so that they can be applied to objects used in daily life. In contrast to pure works of art that are oriented towards aesthetic values, applied works of art are embodied in forms that have a practical function, such as motifs, illustrations, product designs, photography, or other visual works applied to a medium.[8] Therefore, cosplay costumes that represent graphic characters can be related to the concept of applied artwork or derivative works, so the determination of its legal status must consider elements of originality, adaptation, and the use of elements protected by copyright.

In the Bern Convention, the word applied artwork is placed side by side with industrial design as one of the legal elements that obtain protection. Nonetheless, the intellectual property rights system in Indonesia distinguishes between copyright and industrial design regimes because they have different objects, purposes, and protection mechanisms. The separation does not mean that the relationship between applied art and industrial design is severed, given that the Bern Convention gives each country the flexibility to determine the scope

[8] Giovanna Marchese, "A Tri-Partite Classification Scheme to Clarify Conceptual Separability in the Context of Clothing Design," *Cardozo Law Review* , vol. 8, no. 1 , 2016, pp. 283–385.

of protection based on the characteristics of their respective national and cultural laws. The development of the separation of industrial design from the copyright regime is further strengthened through *the Agreement on Trade-Related Aspects of Intellectual Property Rights* (*TRIPS Agreement*), especially Article 25 paragraph (1), which requires member states to provide protection for industrial designs that are independently created and have elements of novelty or originality. In addition, *the TRIPS Agreement* also allows member states to exclude protections for designs that are solely determined by technical functions. The provision shows that industrial design is developing as a stand-alone intellectual property rights regime, although conceptually it still has a relationship with copyright.[9]

Another concept relevant to the practice of cosplay is derivative works, which are works created based on pre-existing works through the process of adaptation, modification, translation, or other forms of transformation. The protection of derivative works is based on intellectual contributions and creativity in producing new forms of expression without eliminating their connection with the original work. In practice, adaptation is a form of derivative work that has an important role in the development of the creative industry because it allows a work to be transferred to a different media or format, such as novels that are adapted into films, dramas, television series, or video games. Therefore, adaptations are seen as works that have their own character, but still depend on the

[9] Dewi Sulistianingsih and Bagas Bilowo Nurtyantyono Satata, "Dilemmas and Problematics of Industrial Design in Indonesia," *Legal Voice, vol* 1 ,2019, pp. 1-14.

existence of the original work as the source of its creation.[10]

In Law Number 28 of 2014 concerning Copyright, the concept that is closest to the practice of cosplay is in the category of applied and adapted works of art as stipulated in Article 40. In line with the Bern Convention, applied art is a work that combines aesthetic value and practical function so that it can be applied in everyday life. Based on these provisions, applied artworks obtain copyright protection for 25 years, with examples in the form of images, motifs, or ornaments applied to a product. However, there are still conceptual differences between applied artwork and industrial design because both contain aesthetic elements and have a practical function. The difference lies in the orientation of protection. Applied artwork is generally born from artistic expressions that are often related to products of cultural value[11], while industrial design focuses more on the visual appearance of products that are mass-produced for commercial purposes.[12] As an illustration, the Malay tanjak as a traditional head covering that contains symbolic and cultural value can be categorized as a work of applied art, while hats with mass-produced sports club designs and logos are more appropriately qualified as industrial designs. This distinction is important in determining the right intellectual property regime for a work, including when

[10] Daniel J. Gervais, "AI Derivatives: The Application to the Derivative Work Right to Literary and Artistic Productions of AI Machines," *Seton Hall Law Review, Vol.* 52 no. 1111 , 2022, pp. 7–11.

[11] Tatang Rusmana, "The Creation of Theater and Copyright Protection," *Journal of Art Expression* , Vol. 18 no. 1. Consider using the three paragraphs beginning with, "Consider using the three paragraphs beginning with, 'Consider using the three paragraphs beginning with, 'Consider using the three paragraphs beginning with, 'Consider using the

[12] Mikhail Muhammad Ashiddiq, "Protection of Industrial Design Against Design Imitation Practices Based on Industrial Design Novelty Qualifications", *PALAR (Pakuan Law Review), vol.* 7, no. 2, 2021, pp. 6–12.

assessing the legal position of cosplay costumes that combine elements of aesthetics, functions, and adaptations to copyrighted characters.

In addition to applied artworks, the concept of adaptation as regulated in Law Number 28 of 2014 concerning Copyright also has a relationship with the practice of cosplay. The explanation of Article 40 states that adaptation is the process of transferring a work into another form, for example the transfer of a written work into a film. Conceptually, adaptation is the transformation of a work into a different medium or form of expression while maintaining the main elements of the original work. In the context of cosplay, the process can be understood as an effort to realize fictional characters that were originally present in two-dimensional media, such as manga, comics, anime, or video games, into a three-dimensional form through costumes, accessories, makeup, and appearances that resemble the original characters.[13]

However, the proximity of the concept of applied artwork and adaptation to the practice of cosplay, the main purpose of cosplay is not to create an applied artwork that has an independent function, but to reproduce, represent and immortalize it in a photograph that displays the graphic character that is favored when wearing a costume with various supporting attributes to the general public. Therefore, the practice of cosplay is more appropriately understood as a form of adaptation or visual representation of an existing work than as creating a stand-alone work of applied art. The assessment of

[13] Bobby Desmond, "Pay to Cospla o Cosplay: The Law of Char y: The Law of Characters, Costumes, Masks, and Acters, Costumes, Masks, and Props," *Florida Entertainment and Sports Law Review, vol* 3 no. 2, 2023, pp. 27–31.

whether the practice is a permissible use or actually infringes copyright, must still be based on the legal provisions that govern adaptation, *fair use*, and permission from the copyright holder.

The practice of cosplay is also not properly qualified as industrial design, even though it has similarities in the form of aesthetic elements that are manifested in the form of clothes, accessories, as well as three-dimensional configurations of lines, colors, and shapes. Based on Law Number 31 of 2000 concerning Industrial Design, protection is only given to designs that have elements of novelty. Article 3 stipulates that a design is no longer considered new if it has been announced or used before the date of submission of the application for registration within the period specified by law. In the context of cosplay, costume design generally adopts fictional characters that have been published in advance through manga, anime, video games, films, or other digital media, making it difficult to meet the requirements of novelty as an object of industrial design. In addition, from the functional aspect, industrial design is basically aimed at producing products that are mass-produced and traded to the public. In contrast, cosplay costumes are generally made to represent specific characters and are used to a limited extent in activities such as festivals, conventions, or competitions, so the purpose of their use differs from the design characteristics of the industry. Therefore, the practice of cosplay is more appropriately analyzed from a copyright perspective, specifically regarding the adaptation and use

of copyrighted works, rather than as an object of industrial design protection.[14]

Conceptually, the practice of cosplay is related to the concept of adaptation because it involves the process of transforming fictional characters from two-dimensional media, such as manga, comics, anime, or video games, into three-dimensional forms through costumes, makeup, and various supporting attributes.[15] If cosplay qualifies as a form of adaptation, then the use of the character in principle requires the approval or license of the copyright holder. This obligation is a consequence of the basic principle of copyright law which requires that any use of the work of another person does not reduce the economic rights or moral rights of the creator. Thus, the license serves as a legal instrument that guarantees a balance between the interests of the creator and the party who makes use of the creation.[16]

The concept of adaptation has similar characteristics to the related *rights regime*, which is that it is equally dependent on the existence of original works that have been created before. Related rights are granted to performers, phonogram producers, and broadcasting institutions that utilize copyrighted works based on permission from the rights holder. Even if the subjects produce new forms of expression or products, the rights they have are still dependent on the existence of the original work so that they do not erase the economic rights or moral rights of the creator. Therefore, any use of the work

[14] Lauren Debra Boumaroun, "Everyday Cosplay: Costume Adaptation and the Fan Fashion Industry", University of California, 2023, pp.6-12.
[15] Dewi Sulistianingsih, "Point Of View: Debate On Protecting Character Works In Cosplay Activities Based On Indonesian Copyright," *Journal Of Law And Sustainable Development, vol* 12, no. 2, 2024. pp. 9–16.
[16] Golkar Pangarso R.W., *Enforcement of the Law on the Protection of Cinematographic Creations in Indonesia,* Alumni Publisher, Bandung 2022, pp. 39-99.

in the relevant rights regime requires a legal relationship with the copyright holder.[17]

The same characteristics are also seen in adaptation works. Although adaptation produces new forms of expression, its existence remains dependent on the original work on which the transformation is based. Therefore, the adaptation process is generally carried out on works that already have a certain economic value, reputation, or popularity so that changes in the form of the work still provide benefits for the creator and the party who makes the adaptation.[18]

Based on this description, the practice of cosplay has characteristics that are closer to the concept of adaptation compared to other categories of intellectual property rights objects. Cosplay basically takes the visual elements of fictional characters, such as costumes, accessories, masks, wigs, and other attributes, then represents them through a person's appearance. Although in practice most cosplay activities are carried out without obtaining a license directly from the copyright holder, many rights owners still provide space for the fan community to do such activities as long as they do not violate the established restrictions, especially if they are done for non-commercial purposes and do not cause harm to the economic interests or reputation of the creator. Therefore, the assessment of the legality of cosplay practices cannot be based solely on the concept of adaptation, but must also take into account provisions regarding copyright exceptions, licenses, and rights holder

[17] Yulia, *Intellectual Property Rights Law,* Publisher Sefa Bumi Persada, Aceh, 2022, pp. 46-57.

[18] Ari Mahartha, "The Transformation of Cinematographic Works into Parody Videos with Commercial Purposes from a Copyright Protection Perspective," *Kertha Patrika Journal* 20, no. 1, 2018, pp. 20–21.

policies in permitting the use of works by the fan community.[19]

Disney as the copyright holder of various fictional characters, such as Mickey *Mouse, Donald Duck, Goofy, Snow White, Aladdin,* and *Sleeping Beauty*, has a special policy regarding the use of character costumes in the Disney Land area. In general, the use of costumes that resemble Disney characters outside the theme park area is not a legal issue. However, when inside the area, visitors are required to comply with provisions that prohibit them from disguising themselves or behaving as if they were official Disney characters. The policy is implemented to avoid misunderstanding of visitors who are not official employees of the company, while maintaining the quality of the interaction experience with the characters provided by Disney. Therefore, visitors are only allowed to wear attributes or elements inspired by a particular character without displaying the entire visual identity of the character.[20]

The policy indicates that copyright holders have the authority to regulate the form of use of their work, although it does not always demand payment of royalties for each use. As the exclusive rights holder, the creator is authorized to determine the limit of the use of the work that is considered to affect the economic interests and reputation of the character it creates. In addition to economic rights, creators also have permanently inherent moral rights, namely the right to maintain the identity, integrity, and

[19] Galih Dwi Ramadhan, "Legal Protection and Implementation of the Fair Use Doctrine of Costume Play (Cosplay) in Copyright and Industrial Design", *Journal of Intellectual Property, vol.* 4, no. 1, 2021, p. 1–26.

[20] "Disneyland Resort Rules," disney, accessed September 19, 2025, https://disneyland.disney.go.com/park-rules/.

reputation of the creation so that it is not used in a way that is detrimental or misleading to society.[21]

Analysis of cosplay practices needs to be placed within the framework of copyright protection as stipulated in Article 2 of the Bern Convention, one of which is in the form of image works, cinematographic works, and derivative works. In this context, graphic characters in comics and animations are the result of creative expression that is manifested in visual form and has obtained copyright protection since it was first realized in accordance with the principle of automatic protection. The protection gives the creator or copyright holder the exclusive right to determine the form of use of the work, including its reproduction and adaptation.[22]

To illustrate, the character of Mickey Mouse was first introduced through the animated film *Steamboat Willie* in 1928. Protection of the early version of the character has expired in accordance with the provisions of United States copyright law and thus entered the public domain. However, this status does not necessarily apply to all versions of Mickey Mouse because the development of the character in the later period still receives its own copyright protection.[23]

In the practice of cosplay, the elements represented are generally in the form of

[21] Wendelina Ernatudera, "Juridical Review of the Protection of Moral Rights of Creators Based on Law No.28 of 2014," *Journal of Law Wijaya Putra, Vol.* 1, no. 2, 2023, pp. 192–96.
[22] Charl Lewis Jogi Tambunan, "Concepts and Declarative Systems in Copyright: The Dichotomy of IdeasExpression, Fixation, Originality, Differences in Registration and Registration," *Technology and Economics Law Journal* 3, no. 1 (2024): 405–10, https://scholarhub.ui.ac.id/telj/vol3/iss1/6/.
[23] Kshitij Mohan Rawat, "How Disney Routinely Exerted Influence on the US Copyright Law to Keep Its Greatest Asset — Mickey Mouse," WION (New Delhi, January 4, 2023), https://www.wionews.com/opinions-blogs/how-disney-routinely-exerted-influence-on-the-us-copyright-law-to-keep-its-greatest-asset-mickey-mouse-549141.

costumes, makeup, accessories, or other visual attributes that become the identity of a fictional character. Although the character comes from a two-dimensional medium, such as comics, manga, or animation, its representation in three-dimensional form does not mean that all elements of the original work are reproduced in their entirety. Cosplayers basically only adopt some of the visual elements that characterize the character, while the storyline, original illustrations, dialogue, and other elements of expression remain within the scope of the creator's copyright protection.

Therefore, the practice of cosplay cannot automatically qualify as copyright infringement simply because it uses a particular character's visual elements. The assessment must take into account the scope of copyright protection, the purpose of use, and respect for the economic and moral rights of the creator. As long as the character representation does not eliminate the identity of the creator, does not mislead the public about the origin of the work, and does not cause undue harm to the copyright holder, then the analysis of the legality of cosplay needs to be carried out proportionately based on the provisions of copyright law and the principle of permissible use.

**2. The foundation of cosplay as fair use and promotion in copyright.**

From a copyright law perspective, the practice of cosplay can be seen as a form of adaptation that has the potential to give birth to a legal relationship between the creator of the original work and the party who represents the character. However, such a relationship does not necessarily give rise to stand-alone copyright ownership of the character being played, but rather remains dependent on the exclusive rights owned by the creator or copyright holder. Therefore, the legality of cosplay is more appropriately

assessed based on its intended use, especially whether it is done for commercial or non-commercial purposes. Non-commercial cosplay activities are generally seen as a form of fan appreciation for a work, while its use for economic gain has the potential to cause disputes if done without the consent of the copyright holder.[24]

That difference is reflected in the case *of Disney Enterprises, Inc*. v. *Characters for Hire, LLC* that was decided in 2018. *Characters for Hire, LLC* is an entertainment services company that provides costumed performers of fictional characters for a variety of commercial activities, such as birthday parties, corporate promotional events, school festivals, charity events, and weddings. In running its business, the company uses various popular characters, *including Mickey Mouse, Elsa, Anna, Captain America, Hulk, Iron Man*, and characters from the *Star Wars* franchise, without obtaining a license from the rights holder.

Disney Enterprises and Marvel consider that the practice has exceeded the limits of tolerable use because the characters used are part of commercial services that generate economic benefits. In its lawsuit, Disney filed a lawsuit for copyright infringement and trademark infringement on the grounds that *Characters for Hire* leveraged characters, names, and visual identities that had obtained legal protection to promote entertainment services without permission. In addition, the use of these characters is considered to have the potential to create the impression that the services offered have a relationship, approval, or official endorsement from Disney, even

[24] Fatimah Nurul Aini, "Fulfillment of the Principle of Fair Use in Song Covers Based on Indonesian Copyright Law," *Scientific Journal of Legal Policy, Vol.* 15, no. 1, 2021, pp. 114–29.

though there is no legal relationship or license granted by the rights holder. This case shows that the use of fictional characters in commercial activities has a higher legal risk than the use that is solely carried out as a form of expression or appreciation by the fan community.

Although Disney is the rights holder of various fictional characters that also obtain protection through the trademark regime, the court did not grant the allegations of trademark infringement filed against *Characters for Hire, LLC.* The court held that there was no evidence to suggest that there was any possible confusion among consumers regarding the relationship between *Characters for Hire* and Disney. The majority of the company's customers are adults who hire entertainment services for various events so that they are considered able to distinguish that the services provided come from independent companies and are not part or official sponsors of Disney. In addition, *Characters for Hire* deliberately avoided using the official name of Disney characters in its promotional activities by changing the character's name and not using the brand identity directly. According to the court, this action is one of the indicators that reduces the potential for misunderstandings among the public. Therefore, the use of costumes that resemble famous characters cannot necessarily qualify as trademark infringement.[25]

Unlike a trademark infringement lawsuit, the claim of copyright infringement at that stage has not been decided because the court still needs further examination of the

[25] Louis S. Ederer, SECOND AMENDED COMPLAINT DISNEY ENTERPRISES, INC., MARVEL CHARACTERS, INC., LUCASFILM LTD. LLC, and LUCASFILM ENTERTAINMENT COMPANY LTD. LLC, -against NICK SARELLI a/k/a Avi Lieberman, and CHARACTERS FOR HIRE, LLC, 2017.

evidence submitted by the parties. The primary focus of the evidentiary is directed at assessing whether the character representation used by *Characters for Hire* bears a *substantial similarity* to Disney's copyrighted character. The assessment includes not only the similarity of costumes or visual appearances, but also characterizations, artistic expressions, and other creative elements that become the character's identity. The doctrine of *substantial similarity* is one of the important instruments in copyright law that is used to determine whether copied parts have touched elements of expression that are legally protected. This doctrine also affirms the fundamental principle that copyright does not provide protection for ideas or ideas, but rather for forms of expression that are concretely manifested in a work.[26]

In copyright, there are mechanisms that limit the exercise of the creator's exclusive rights, including through *public domain* status and the exception of fair use or called fair use according to the legal system adhered to. *Public domain* is a situation when a work is no longer within the copyright protection period because the protection period has expired based on the provisions of laws and regulations. The expiration of the protection period causes the creator's exclusive rights to be removed so that everyone can use, reproduce, or utilize the work without needing permission or compensating the copyright holder. The Berne Convention in principle stipulates a period of copyright protection for at least 50 years after the death of the creator, but gives each member state the flexibility to set a longer period of time. Indonesia through Law Number 28 of 2014

[26] Loeb & Loeb LLP, "Disney Enterprises, Inc. v. Characters for Hire, LLC," Lexology, 2018.

concerning Copyright extends the protection period to 70 years after the creator dies.[27]

In addition to the expiration of the copyright protection period, restrictions on exclusive rights are also carried out through the principle of fair use. This principle is an exception that allows the use of the work without permission from the copyright holder in certain circumstances specified by law. Thus, the use of a work that is still under protection cannot always be qualified as copyright infringement if it meets the requirements for exceptions that have been set. In practice, this principle is widely applied to the activity of quoting some works, both in the form of writings, scientific works, or musical works, as long as their use does not take part that is the main substance of the work and does not cause undue losses to copyright holders.[28]

Law Number 28 of 2014 concerning Copyright stipulates that the use of works without permission is possible for certain purposes, including research, education, preparation of scientific papers, writing reports, criticism, reviews, and reviewing a problem, as long as it meets the requirements determined by law. This provision shows that the exclusive rights of the creator are not absolute rights. Although the state provides protection for the economic and moral interests of the creator, such protection is still limited by the public interest, scientific development, and the reasonable use of the work in accordance with the purposes of copyright law.

[27] Akhmad Munawar, "Efforts to Enforce the Law on Copyright Infringement According to Law Number 28 of 2014 concerning Copyright," *Al'Adl, Vol* 8, no. 2, 2016, pp. 133–35.
[28] Muhammad Ifqie Dzikrullah, "The Responsibility of Content Owners Who Re-upload Videos on Social Media Networks Using the Principle of Fair Use According to Law Number 28 of 2014 concerning Copyright," *Jurisdiction, Vol.* 3, no. 2, 2021, pp. 13–34.

One of the bases for assessing exceptions to the exclusive rights of creators is the doctrine of *the three-step test* that has developed in international copyright law. This doctrine serves as a standard for determining whether a limitation or exception to copyright is justified without prejudice to the legitimate interests of the rights holder. The normative basis is contained in Article 9 paragraph (2) of the Berne Convention, which gives member states the authority to establish exceptions to reproductive rights through national law. The application of the exemption can only be carried out if it meets three cumulative requirements, namely it is applied in certain special circumstances, does not conflict with the normal exploitation of a work, and does not cause undue harm to the legitimate interests of the rights holder.

The first requirement, i.e. specific special cases, is intended to limit the scope of the exception so that not all uses of the work can be categorized as fair use. Thus, the presumption that any noncommercial use is automatically permissible under copyright law cannot be justified. An assessment of this element developed through Hubbard's verdict against Vosper in 1972. In this case, Cyril Vosper, a former member of Scientology, published the book *The Mind Benders* which criticized the teachings of Scientology by quoting some material written by L. Ron Hubbard. Hubbard later filed a copyright infringement lawsuit for using the quote without permission.

The court rejected the argument that any unauthorized quotation constitutes copyright infringement. According to the court, Vosper's use of some of Hubbard's work was intended to provide criticism, commentary, and analysis of the teachings of Scientology, not to replace or exploit the economic value of the original work.

Therefore, quoting done proportionately for the sake of criticism or review is justified as long as it does not take up the part that is the main substance of the work and does not detract from the normal exploitation of the work. This decision then becomes one of the important references in understanding the application of copyright exceptions, especially when the use of a work is carried out for the purposes of criticism, scientific studies, or the expression of opinions. [29]

The second requirement in *the three-step test* requires that exceptions to copyright must not conflict with the normal exploitation of a work. This principle requires that the use of a work by another party does not eliminate or reduce the opportunity for the copyright holder to obtain the economic benefits that can reasonably be obtained from his work. Thus, a use cannot be categorized as an exception if it interferes with the distribution, marketing, or commercialization mechanism that is normally planned by the creator or rights holder.

The application of this principle can be understood through the leak of the animated film The Legend of Aang: The Last Airbender which is scheduled for release in 2026. Prior to the official release, copies of the film circulated on the internet due to internal distribution errors so that they could be widely accessed by the public without the permission of the rights holder. Although the spread was not a deliberate act by the studio, the impact still interfered with the marketing and distribution strategies that had been prepared in advance. As a result, the

[29] Budi Agus Riswandi, *Copyright Restrictions and Exclusions in the Digital Age,* Citra Aditya Bakti, Bandung 2017, pp.1-6 .

copyright holder loses the opportunity to exploit the work in accordance with the commercial plan that has been drawn up. Such a condition indicates a form of use that is clearly contrary to the normal exploitation of a creation and has the potential to cause significant economic losses.[30]

In contrast, the application of the second element of the *three-step test* can be seen in the case of Google LLC v. *Authors Guild, Inc*. decided by the *United States Court of Appeals for the Second Circuit* in 2015. The dispute stemmed from the *Google Books project*, which is the digitization of millions of books in collaboration with Google and a number of large libraries to build a text-based information search system. Authors who are members of *the Authors Guild* argue that the process of scanning books without permission is a copyright violation because it involves the digital reproduction of the work.

The court considers that the use meets the criteria of *fair use.* Google doesn't provide the public with a complete copy of the book, but instead only displays snippets of text that help users find books that are relevant to a particular topic. In addition, *the Google Books* project is seen as having transformative goals because it improves access to information, supports research, language analysis, and literature search without replacing the economic function of books in the market. Therefore, Google's digitization is not considered to interfere with the normal exploitation of the work or reduce the potential market for copyright holders. The ruling shows that the use of a work is still justifiable as long as it does not take over the main economic function of the work and does

[30] Joey Paur, "The Legend Of Aang: The Last Airbender Animator Slams Fans Pirating Leaked Movie as 'Incredibly Disrespectful,'" Geektyrant, 2026, July 29, 2026.

not replace public demand for the original work.[31]

The third requirement in the *three-step test* requires that the use of a work does not cause undue harm to the legitimate interests of the copyright holder. This provision does not mean that any use of the work must be completely free from impact on the creator. Copyright law, on the other hand, recognizes that certain exceptions may have economic consequences, even if the impact is still within a proportionate limit and does not eliminate the economic benefits to which the copyright holder is reasonably entitled. Therefore, the assessment of this element focuses on the balance between the public interest in utilizing a work and the protection of the economic rights of the creator.

For example, the quotation of part of the content of books or articles for the purposes of education, research, lectures, or scientific writing is generally not considered a copyright infringement if it is done proportionately, accompanied by a mention of the source, and does not replace the economic function of the original work. Although such use has the potential to reduce a small part of the economic benefits of the creator, the losses incurred are still seen as proportional to the benefits obtained by society in the development of science. Thus, such use cannot be categorized as an unreasonable loss as referred to in the *three-step test*.

The application of this principle can be seen in the case of *the Andy Warhol Foundation for the Visual Arts, Inc.* against *Goldsmith* ruled by the United States Supreme Court in 2023. The dispute began when photographer Lynn Goldsmith

[31] UNITED STATES COURT, Authors Guild v. Google, Inc. (2015).

photographed singer Prince in 1981. Based on the license Goldsmith granted, Andy Warhol then used one of the photographs as a reference to create a distinctive Warhol-style illustration published in a magazine in 1984. After Prince's death in 2016, the Andy Warhol Foundation licensed one of the illustrations to *Conde Nast* as a magazine cover without obtaining new permission from Goldsmith. The action prompted Goldsmith to file a lawsuit because he considered that the use of the illustration had entered the same licensing market as his photographs.

In its defense, *the Andy Warhol Foundation* argued that the illustrations made by Warhol were transformative works so that they were included in the fair *use* category. However, the Supreme Court rejected this argument. According to the court, although Warhol's illustrations had a different artistic style, the use of the illustrations was still intended for the same commercial purposes as Goldsmith's photographs, namely as magazine covers. Thus, the license granted by the Warhol Foundation could potentially replace the licensing market that Goldsmith legally owned as a photographer. On that basis, the court concluded that the use of the work had caused undue harm to the economic interests of the copyright holder so that it did not meet the criteria *for fair use*. This ruling confirms that a transformative work does not necessarily receive fair use protection if its use enters the same market and reduces the economic opportunities to which the copyright holder is entitled.

The concept *of fair use* basically does not have definite limits. Its application relies on an assessment of the concrete circumstances of each case by taking into account the principles that have developed in international copyright law, including *the three-step test*. This approach is in line with the court's consideration in *Hubbard v.*

*Vosper* (1972), which stated that fair use cannot be formulated through a rigid definition, but must be judged on the basis of the overall circumstances surrounding the use of a work. The assessment includes the number and proportion of the parts used, the purpose of use, the relationship between the cited part and the comment or analysis provided, and its impact on the economic interests of the copyright holder. The use of a limited number of citations for the purposes of criticism, review, or analysis is generally more easily qualified as fair use than use that takes a substantial portion of a work to convey the same information as the original work. Therefore, the determination of *fair use* does not only depend on the number of parts used, but also considers the purpose, proportion, and overall impression that the use causes.[32]

This principle is also reflected in Article 44 paragraph (1) of Law Number 28 of 2014 concerning Copyright which regulates various forms of use of works that are not considered copyright infringement. These provisions include the use of works for the purposes of education, research, writing scientific papers, preparing reports, criticism, reviews, or reviewing a problem, as long as it does not harm the reasonable interests of the creator or copyright holder. In addition, exceptions are also given for the purpose of government administration, legislative and judicial processes, lectures aimed at education and scientific development, as well as performances or performances that are free of charge on the condition that they do not

[32] Harvard Law Review, Copyright Act of 1976—Fair Use—Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith, 2023.

reduce the economic interests or moral rights of the creator. Thus, the provisions of Article 44 show that the exclusive rights owned by the creator are not absolute, but are limited by the public interest as long as the use is carried out proportionately and still respects the rights owned by the creator or copyright holder.[33]

Based on this description, it cannot be concluded that all cosplay practices are automatically allowed just because they do not cause harm to the creator. The assessment of the legality of cosplay must be carried out in a caustic manner by considering the characteristics of each use and its conformity with the principle of *the three-step test* as stipulated in Article 9 paragraph (2) of the Bern Convention. In the context of national law, the analysis needs to begin by interpreting the provisions of Article 44 paragraph (1) of Law Number 28 of 2014 concerning Copyright which regulates various forms of use of works that are not considered copyright infringement. This provision shows that copyright protection is not only aimed at protecting the exclusive rights of creators, but also provides space for the use of works under certain conditions as long as they do not cause undue harm to the economic interests and moral rights of copyright holders.

One of the relevant provisions is found in Article 44 paragraph (1) letter d of the Copyright Law which states that performances or performances that are free of charge are not considered copyright infringement as long as they do not harm the reasonable interests of the creator or copyright holder. This provision can be one of the bases in assessing cosplay practices,

[33] Eddy Damian, *Copyright Law* ,Alumni Publisher, Bandung, 2022, pp. 119-125.

especially when character costumes are used in non-commercial activities, such as community festivals or popular culture appreciation activities. However, the fulfillment of these elements does not necessarily make all cosplay activities a legitimate use because it still requires an assessment of the purpose of use, the proportion of the use of the work, and its impact on the economic interests of the copyright holder.

In comparison, Section 107 U.S. *The Copyright Act* regulates the doctrine of fair use by considering four main factors, namely the purpose and character of use, the nature of the protected work, the quantity and substance of the part used, and the impact of the use on the potential market or economic value of the work. This approach shows that the assessment of *fair use* is not only based on whether or not there is a commercial benefit, but also on whether the use replaces the economic function of the original work or provides transformative benefits to society. Therefore, if the practice of cosplay is carried out as a form of appreciation, unofficial promotion, or participation in community activities without taking over the official market or unreasonably reducing the economic opportunities of the copyright holder, then the activity has the potential to meet the characteristics of the permissible use. Conversely, if cosplay is used as part of a commercial activity that directly competes with the official license or exploits the character for economic gain that creates unfair competition, then the use is more likely to qualify as copyright infringement.[34]

[34] Tyas Noerningsih Utomo, "Indonesia and Japan Perspectives on Fair Use Defense to Copyright Infringement in Cosplay," *International Journal of Social Science and Human Research*, vol. 7 no. 8 , 2024, pp. 3–5.

The concept *of unpaid promotion* in the practice of the fan community can be explained through *the theory of Spreadable Media*. This theory explains that the development of digital media allows content to spread widely through the active participation of users, rather than solely through distribution controlled by copyright owners. In the context of popular culture, the spread can be seen in cinematography, manga, anime, video games, and visual novels that continue to be reproduced in various forms of expression by the fan community. These interactions encourage the formation of communities that have similar interests and voluntarily produce various forms of derivative content, including cosplay, photography, videos, and documentation of community activities which are then disseminated through social media. These activities expand the exposure of fictional characters to the public and maintain the relevance of a work in the digital space without requiring direct promotional costs from the copyright holder.[35]

This phenomenon is closely related to the concept *of fan labor*, which is a creative activity carried out by fans voluntarily without receiving direct economic rewards. In the practice of cosplay, fans invest time, skills, and personal expenses to create costumes, display characters, and share their creations with the public as a form of appreciation for their favorite works. While the main motivation is not to gain commercial gain, the activity indirectly adds value to the copyright holder by increasing the visibility of the character, expanding the

[35] Adhe Arliansyah, "Creative Expressions and Cultural Shifts: The Impact of Cosplay in Makassa," *Journal of Information Systems Engineering and Manageme* 10, no. 49 (2025): 12, https://jisem-journal.com/index.php/journal/article/view/9963/4589.

reach of the fan community, and encouraging public interest in original works and licensed products. Thus, fan creativity can contribute to the sustainability of the popular culture ecosystem through promotional mechanisms that take place organically.[36]

When associated with various decisions, such as the case of Disney Enterprises, Inc. against *Characters for Hire, LLC,* Hubbard against Vosper, *the Authors Guild* against Google, and *the Andy Warhol Foundation for the Visual Arts, Inc.* In Goldsmith's case, the assessment of *fair use* cannot be based on one factor alone. The legality of the use of the work depends on the purpose of use, the character of use, the proportion of the part used, and its impact on the economic interests and moral rights of the copyright holder. In that context, the practice of cosplay can essentially provide promotional benefits for copyright holders through increased character exposure and the growth of fan communities. However, these benefits do not necessarily make all cosplay activities fair *use*. If the use of the character is done in a way that replaces the official market, creates confusion about the relationship with the rights holder, or disproportionately reduces the economic value or reputation of the work, then the use could potentially qualify as copyright infringement. Therefore, the assessment of cosplay must be carried out in a casuistic manner by considering the principles of *the three-step test*, the provisions of national law, and the concrete circumstances of each use of the work.

**F. Conclusion**

Based on an analysis of the Bern Convention, Law Number 28 of 2014 on

[36] Christina Obmann, "Cosplay Is for Everyone? Notions of Power and Empowerment in the Fan Practice and Community of Cosplayers", University of Klagenfurt, 2021, pp.27-29.

Copyright, the doctrine of *the three-step test*, as well as various court decisions and theories regarding *Spreadable Media* and *fan labor*, the practice of cosplay cannot absolutely qualify as an infringement or as a fair use. The assessment of the legality of cosplay must be carried out in a casuistic manner by considering the purpose of use, the character of use, the proportion of elements of the work used, and its impact on the economic interests and moral rights of copyright holders.

Conceptually, cosplay is more closely related to the concept of adaptation because it represents fictional characters that already exist into three-dimensional forms through costumes, makeup, and supporting attributes. However, these characteristics do not necessarily make cosplay a stand-alone copyright object or a copyright violation. Its legal status depends on whether or not there is an infringement of the copyright holder's exclusive rights, in particular if such use enters the commercial market, creates confusion about the relationship with the rights holder, or disproportionately reduces the economic value or reputation of the work.

On the other hand, the practice of cosplay carried out as a form of appreciation, community expression, or participation in non-commercial activities can benefit copyright holders through increased character exposure, strengthening fan communities, and indirect promotion of licensed works and products. This phenomenon is in line with the concept of *Spreadable Media* and *fan labor*, which shows that fan creative activities are able to create value for the creative industry ecosystem without always reducing the economic rights of creators. Therefore, the practice of cosplay under certain conditions can meet the characteristics of permissible use, as long as it does not conflict with the

normal exploitation of the work and does not cause undue harm to the copyright holder as required in the *three-step test* and the provisions of the Copyright Law.

Thus, the practice of cosplay should not be seen solely as a form of copyright infringement or as a permissible use. The legal assessment must be carried out proportionately by considering the balance between the protection of the exclusive rights of creators and the interests of the community in developing creativity, participatory culture, and innovation in the field of creative economy.

**Bibliography**

**1. Books**

Adi Suranta Ginting. *MASTERING THE A1 ERA: INVASION, REGULATION AND THE FUTURE OF INTELLECTUAL PROPERTY RIGHTS*. Bandung: Alumni Publishers, 2024. https://www.google.co.id/books/edition/MENGUASAI_ERA_A1_INIVASI_REGULASI_DAN_MA/_nEjEQAAQBAJ?hl=en&gbpv=0.

Budi Agus Riswandi. *Copyright restrictions and exclusions in the digital age*. Bandung: Citra Aditya Bakti, 2017. https://www.google.co.id/books/edition/Pembatasan_dan_Pengecualian_Hak_Cipta_di/iWBuDwAAQBAJ?hl=en&gbpv=1.

Golkar Pangarso R.W. *Law Enforcement on the Protection of Cinematographic Creations in Indonesia*. Bandung: Alumni Publishers, 2022. https://www.google.co.id/books/edition/Penegakan_hukum_perlindungan_ciptaan_sin/1LheEAAAQBAJ?hl=en&gbpv=0.

**2. Research Results/Final Project**

Lauren Debra Boumaroun. "Everyday Cosplay: Costume Adaptation and the Fan Fashion Industry." University of California, 2023. https://www.proquest.com/openview/e0a99f3dd8d31ce9a9f85180ff05d44a/1?pq-origsite=gscholar&cbl=18750&diss=y.

**3. Journal Articles**

Adhe Arliansyah. "Creative Expressions and Cultural Shifts: The Impact of Cosplay in Makassa." *Journal of Information Systems Engineering and Manageme* 10, no. 49 (2025): 12. https://jisem-journal.com/index.php/journal/article/view/9963/4589.

Aini, Fatimah Nurul. "FULFILLMENT OF THE PRINCIPLE OF FAIR USE IN SONG COVERS BASED ON INDONESIAN COPYRIGHT LAW." *Scientific Journal of Legal Policy* 15,

no. 1 (2021): 114–29. https://pdfs.semanticscholar.org/b25a/2d2901764698583acafd2b7782e78383fb0e.pdf.

Akhmad Munawar. "EFFORTS TO ENFORCE THE LAW OF COPYRIGHT INFRINGEMENT ACCORDING TO LAW NUMBER 28 OF 2014 CONCERNING COPYRIGHT." *Al'Adl, V* 8, no. 2 (2016): 133–35. https://ojs.uniska-bjm.ac.id/index.php/aldli/article/viewFile/453/401.

Ari Mahartha. "THE CONVERSION OF CINEMATOGRAPHIC WORKS INTO PARODY VIDEOS WITH COMMERCIAL PURPOSES FROM A COPYRIGHT PROTECTION PERSPECTIVE." *Journal of Kertha Patrika* 20, no. 1 (2018): 20–21.

Bobby Desmond. "Pay to Cospla o Cosplay: The Law of Char y: The Law of Characters, Costumes, Masks, and Acters, Costumes, Masks, and Props." *Florida Entertainment and Sports Law Review* 3, no. 2 (2023): 27–31. https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1038&context=feslr.

Charl Lewis is a Tambunan. "Concepts and Declarative Systems in Copyright: The Dichotomy of IdeasExpression, Fixation, Originality, Differences in Registration and Registration." *Technology and Economics Law Journal* 3, no. 1 (2024): 405–10. https://scholarhub.ui.ac.id/telj/vol3/iss1/6/.

Christina Obmann. "Cosplay is for everyone? Notions of Power and Empowerment in the Fan Practice and Community of Cosplayers." University of Klagenfurt, 2021. https://netlibrary.aau.at/obvuklhs/content/titleinfo/7643412/full.pdf.

Credence Research. "Cosplay Costumes And Wigs Market By Type (Costumes, Clothing, Footwear, Accessories & Props, Wigs) By Themes (Christmas, Halloween, Anime, Games, TV & Movies, Others)-Growth, Future Prospects & Competitive Analysis, 2016 – 2030," 2023. https://www.credenceresearch.com/report/cosplay-costumes-and-wigs-market.

Daniel J. Gervais. "AI Derivatives: The Application to the Derivative Work Right to Literary and Artistic Productions of AI Machines." *Seton Hall Law Review* 52, no. 1111 (2022): 7–11. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4022665.

The Goddess of Serenity. "POINT OF VIEW: DEBATE ON PROTECTING CHARACTER WORKS IN COSPLAY ACTIVITIES BASED ON INDONESIAN COPYRIGHT." *JOURNAL OF LAW AND SUSTAINABLE DEVELOPMENT* 12, no. 2 (2024): 9–16. https://ojs.journalsdg.org/jlss/article/view/2978/1605.

Dewi Sulistianingsih and Bagas Bilowo Nurtyantyono Satata. "The Dilemma and Problematic of Industrial Design in Indonesia." *Legal Vote* 1 no. (2019): 2. https://doi.org/https://doi.org/10.26740/jsh.v1n1.p1-14.

Eddy Damian. *Copyright Law*. Bandung: Alumni Publishers, 2022. https://www.google.co.id/books/edition/Hukum_Hak_Cipta_Edisi_6/ezJsEAAAQBAJ?hl=en&gbpv=0.

Eddy Damian, *Copyright Law Edition 6*. Bandung: Alumni Publishers, 2022. https://www.google.co.id/books/edition/Hukum_Hak_Cipta_Edisi_6/ezJsEAAAQBAJ?hl=en&gbpv=0.

Giovanna Marchese. "A Tri-Partite Classification Scheme to Clarify Conceptual Separability in the Context of Clothing Design." *Cardozo Law Review* 8, no. 1 (2016): 283–385. https://cardozolawreview.com/wp-content/uploads/2018/08/MARCHESE.38.1.pdf

Mikhail Muhammad Ashiddiq. "PROTECTION OF INDUSTRIAL DESIGN AGAINST DESIGN IMITATION PRACTICES BASED ON THE QUALIFICATION OF INDUSTRIAL DESIGN NOVELTY." *PALAR (Pakuan Law Review)* 7, no. 2 (2021): 6–12. https://journal.unpak.ac.id/index.php/palar.

Muhammad Ifqie Dzikrullah. "The responsibility of content owners who re-upload videos on social media networks using the principle of fair use according to Law Number 28 of 2014 concerning Copyright." *Jurisdiction* 3, no. 2 (2021): 13–34. https://dev-ojs.journalfhuia.ac.id/Jurisdictie/article/view/45/37.

Ramadhan, Galih Dwi. "LEGAL PROTECTION AND IMPLEMENTATION OF THE FAIR USE DOCTRINE OF COSTUME PLAY (COSPLAY) IN COPYRIGHT AND INDUSTRIAL DESIGN." *Journal of Intellectual Property* 4, no. 1 (2021): 1–26. https://journal.uii.ac.id/JIPRO/article/view/22276/11926.

Review, Harvard Law. Copyright Act of 1976—Fair Use—Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith, 143 S. Ct. 1258 (2023) (2023).

Rusmana, Tatang. "The Creation of Theater and Copyright Protection." *JOURNAL OF ARTISTIC EXPRESSION* 18, no. 1 (2016): 9–10. https://media.neliti.com/media/publications/59143-ID-penciptaan-teater-dan-perlindungan-hak-c.pdf.

Sarah Alzagladi et al. "Copyright Transfer on Audiovisual Adaptation Works and Their Implications Based on Copyright Law." *Binamulia Law* 14, no. 2 (2025): 5–9. https://ejournal.hukumunkris.id/index.php/binamulia/article/view/1151/315.

Sudjana. "RESTRICTIONS ON THE PROTECTION OF INTELLECTUAL PROPERTY (COPYRIGHT) FROM A HUMAN RIGHTS PERSPECTIVE." *Journal of Human Rights Research* Vol. 10, no. No. 1 (2019): 3. https://ejournal.balitbangham.go.id/index.php/ham/article/download/515/pdf_1.

Tyas Noerningsih Utomo. "Indonesia and Japan Perspectives on Fair Use Defense to Copyright Infringement in Cosplay."

*International Journal of Social Science and Human Research* 7, no. 8 (2024): 3–5. https://www.researchgate.net/publication/383333532_Indonesia_and_Japan_Perspectives_on_Fair_Use_Defense_to_Copyright_Infrigement_in_Cosplay.

Wendelina Ernatudera. "JURIDICAL REVIEW OF THE PROTECTION OF THE MORAL RIGHTS OF CREATORS BASED ON LAW NO.28 OF 2014." *Journal of Law Wijaya Putra* 1, no. 2 (2023): 192–96. https://jurnal.uwp.ac.id/fh/index.php/jurnalilmuhukum/article/view/131.

Yulia. *INTELLECTUAL PROPERTY RIGHTS LAW*. Aceh: SEFA BUMI PERSADA Publishers, 2022. https://repository.unimal.ac.id/6918/1/Buku HKI-Yulia_compressed.pdf.

### 4. Internet

Disney. "Disneyland Resort Rules." Accessed September 19, 2025. https://disneyland.disney.go.com/park-rules/.

Joey Paur. "THE LEGEND OF AANG: THE LAST AIRBENDER Animator Slams Fans Pirating Leaked Movie as 'Incredibly Disrespectful.'" Geektyrant, 2026. July 29, 2026.

Kshitij Mohan Rawat. "How Disney Routinely Exerted Influence on the US Copyright Law to Keep Its Greatest Asset — Mickey Mouse." WION. New Delhi, January 4, 2023. https://www.wionews.com/opinions-blogs/how-disney-routinely-exerted-influence-on-the-us-copyright-law-to-keep-its-greatest-asset-mickey-mouse-549141.

Loeb & Loeb LLP. "Disney Enterprises, Inc. v. Characters for Hire, LLC." Lexology, 2018. https://www.lexology.com/library/detail.aspx?g=8eca31c2-82b5-4bad-919f-32cbd659982b.

Mr. Rochmat Purboyo. "The 'Cosplay' business; A profitable hobby." Business Indonesia, 2023. https://bisnisindonesia.id/article/bisnis-cosplay-hobi-nan-menguntungkan.

### 5. Court Ruling

Ederer, Louis S. SECOND AMENDED COMPLAINT DISNEY ENTERPRISES, INC., MARVEL CHARACTERS, INC., LUCASFILM LTD. LLC, and LUCASFILM ENTERTAINMENT COMPANY LTD. LLC, -against NICK SARELLI a/k/a Avi Lieberman, and CHARACTERS FOR HIRE, LLC, (2017).

UNITED STATES COURT. Authors Guild v. Google, Inc. (2015).