PROTECTION OF PATENT RIGHTS

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Abstract

The difference in the legal system for protecting the scope of patents in various countries, not only importing new investments but also determining the process technology transfer of a country. Extensive protection causes technology transfer is not easy despite lack of protection because the patent owner suffered a loss. These two differences in intention resulting in the need for comparative studies on patent protection coverage in countries. There are two problems that must be explored, first differences and similarities in patent protection coverage in regulations state and the second how the legal system affects events different? This problem will use research methods comprehensive statutory approach and comparative approach, approach case, and conceptual approach. The results of the study found patent protection in European countries, the United States, Japan, and Indonesia has similarities in the protection requirements that govern things new, inventive steps, and industrial applications. However, protection at The United States was originally to create a temporary state base others based on the first file. Then the scope of patent protection at there have been Germans applying the widest protection, then America States, and Japan, then the Netherlands. Means England as a country limited protection. Differences in patent protection are affected by the system common law which refers to precedents rather than civil law with its codification. Germany is the only country to implement rigid codification of patent protection. Means, Indonesia formulating a limited coverage of patent protection with limited cases resolved in court.

Keywords: Patent Rights, Protection of Scope, Comparative Law

A. INTRODUCTION

A technological development country, not separated from aspects patent protection applies to that country. Japan America, but inside

developments that we know of lately it was Japan who became it Qibla from other countries Including Europe and America. In patent protection, if the scope of protection

that
given too broad to
patent holder, the system
legal protection
impact on protection of rights
that patent
held by someone to be
very strong, but the transfer process
technology
the country is not easy
happened, because of the modification
not
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even from other parties
can still be assessed as
violation of rights
patent. Otherwise if
protection provided
to the holder
patent rights are too narrow, then
easy patent holder
harmed because
the modification
even substantial can still be assessed
not as
patent infringement, however
positive effect on
development
the country's technology.
Not impossible
happens, in a country
there is
more than one patent application
the discoveries
have
similarities to one another.
In patent law can occur
will complicate efforts
get an explanation
detail about

the concept of the claim in question
in patent law.
In common law countries
like the United States and
English,
the reference is to doctrine
"Precedent". Will
but p
it hasn't finished
problem, because it's inside
implementation between
Common law countries don't see
same precedent for a case,
for example precedents that apply in
England in wide viewing
protection
patent rights are not necessarily the
same
with precedents that apply in
America
Union.
Likewise in
interpret that claim
determine area
patent protection. Something
country sometimes interpreter
essence of
claims submitted up to
impact on form
that protection
so broad to the holder
patent rights but difficult
transfer process
technology. Instead with
certain countries interpret it
from words
in claims that result
patent protection to
holder
become narrow, however
facilitate the transfer process
technology to parties
who make modifications.
Through legal research methods
normative with various

the approach referred to,
expected scope of protection
patent
nationally, it still exists
differences in interpretation of
concepts
about scope
patent protection. As
provisions in Article 69 paragraph (1)
Convention
European patents state:
The extent of the protection
conferred large a
European or a European
patent application shall be
determined large the term of
claims. Nevertheless,
the description and drawings shall
be used
right interpret the claims. For
This is stated in the Netherlands
Article 30 paragraph
(2) Dutch Law
1986, which essentially determines
that which
protected is the content of the claim,
isn't it
formulation literally claims
that
included in the application
patent of an invention

B. CONCLUSION

C.

Difference in legal system
protection of patent scope at
various countries,
not only import investment
new but also decisive
process
technology transfer of a country.
Widespread protection

cause
technology transfer not
easy though lacking
protection
because the patent owner experienced
loss. Second difference intention
that is
produce the need for study
comparative about coverage
patent protection
in countries. There are two
problem that must be explored,
with limited cases
resolved in court.
for example, is a country
the most advanced known
the technology.
Originally there were many countries
imitating the technology of European
countries and
applicant
first to be given
patent by a country, but
not necessarily
for other countries
use rules or principles
"First-to-invent".
But it's good first-to-file
or first-to-invent, both
close
possibility of the other party
bears a resemblance to
invention
patented received
his invention as a patent.
On the basis of
both of these principles, scope
patent protection from each of them
the country becomes important
to be known. Therefore
only from
aspects of the scope of the protection
intended, a new discovery
can
granted a patent, as long as

the results of the invention are not have similarity with those who have previously registered according to principle first-to-file or first-to-invent. Various countries inside determine the extent of protection patent, put conditions on the claim with a different system. Treatment different on each the country, is becoming more interesting when connected with grouping of legal systems civil law and the common law we have ever been known before. In system history common law that refuses applicable codification in civil law system, applicable in various countries will be easily known, at a minimum this matter useful in avoiding global war due to domination economy through mastery of patents. Thus, Fred Warshoefsky¹ say, when this is the cruel global war in the effort of domination economy is regarding rights to wealth intellectual. Current and time future Indonesia will fight ideas, innovations, creations and invention. The scene warfare not in the field war but in the forum Court, which claimed

millions of dollars through patent litigation.
B. Discussion
1. Patent Protection of European Countries
European Patent Convention, German Patent Law, America States, and Japan, inside paper "Comparative Study on the Japanese, the United States and the European Patent Systems ", by Japan Patent Asia-Pacific Industrial Office Property Centers in Japan yet this long time (2001), if examined a lot uncover similarities / differences state patent protection that is. Several articles of the convention and the laws of the country in question, enrich the contents of this paper. Even among countries Europeans signed European Patent Convention and has adjust legislation what first differences and similarities in coverage deep patent protection regulations country and the second how legal system affects incident different? This problem will be using research methods comprehensive statute approach and a comparative approach, approach case, and conceptual approach. The results of the study found patent protection in European countries, the United States,

Japan, and
Indonesia has something in common
in the protection requirements
arrange things
new, inventive steps, and
industrial application. However,
protection on
United States at first
to create temporary
country base
others based on the first file.
Then the scope of protection
patent on
there have been Germans applying
widest protection, then
America
States, and Japan, then the
Netherlands.
Means England as a country
limited protection. Difference
patent protection is affected by
system
more common law
refers to precedent rather than
civil law
with its codification. German
is the only country that is
apply
rigid codification of
patent protection. Means,
Indonesia
formulate protection coverage
limited patent
related

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