DEFINITION AND FUNCTION OF PATENTS

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Abstract

A patent is a form of intellectual property. A patent gives its owner the right to exclude others from making, using, selling, and importing an invention for a limited period of time, usually twenty years. The patent rights are granted in exchange for an enabling public disclosure of the invention. People who are employed to do research are often obligated by their employment contracts to assign inventions to their employer. In most countries patent rights fall under civil law and the patent holder needs to sue someone infringing the patent in order to enforce their rights. In some industries patents are an essential form of competitive advantage; in others they are irrelevant.^{[1]:17}

The procedure for granting patents, requirements placed on the patentee, and the extent of the exclusive rights vary widely between countries according to national laws and international agreements. Typically, however, a granted patent application must include one or more claims that define the invention. A patent may include many claims, each of which defines a specific property right. These claims must meet relevant patentability requirements, such as novelty, usefulness, and non-obviousness.^{[2][3]}

Kata Kunci: Definition And Function

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A. INTRODUCTION

DEFINITION

The word *patent* originates from the Latin *patere*, which means "to lay open" (i.e., to make available for public inspection). It is a shortened version of the term *letters patent*, which was an open document or instrument issued by a monarch or government granting exclusive rights to a person, predating the modern patent system. Similar grants included land patents, which were land grants by early state governments in the USA, and printing patents, a precursor of modern copyright.

In modern usage, the term *patent* usually refers to the right granted to anyone who invents something new, useful and non-obvious. Some other types of intellectual property rights are also called *patents* in some jurisdictions: industrial design rights are called *design patents* in the US,^[6] plant breeders' rights are sometimes called *plant patents*,^[7] and utility models and *Gebrauchsmuster* are

sometimes called *petty patents* or *innovation patents*.

The additional qualification *utility patent* is sometimes used (primarily in the US) to distinguish the primary meaning from these other types of patents. Particular species of patents for inventions include biological patents, business method patents, chemical patents and software patents.

Patent Rights Function

The Rights Function is confirmed if according to patent law No.13 of 1997, patent rights are special rights granted by the State to the inventor of his invention in the field of technology for a certain period of time, carry out the invention himself or give approval to others to give, and there are several that is:

1. Provide legal protection for any intellectual work in the field of technology, so that the patent holder's ownership rights are guaranteed.
2. Realizing a better climate for inventive activities in the field of

technology, because technology has a very important role in national development in general and especially in the industrial sector,

3. Providing incentives for inventors in making new innovations through exclusive rights to the inventions they produce.
4. Open disclosure facilities regarding information on the latest patented technology, so that the public can use it for further technological improvement and development.

B. CONCLUSION

Lingkup Perlindungan Paten

Fungsi Perlindungan: Sejauh mana invensi kita dapat dilindungi (Hak eksklusif, memberikan lisensi, menggugat, meminta ganti rugi)

Fungsi Informasi: Paten adalah monopoli yang tidak tak terbatas, merupakan kewajiban pemohon untuk mengungkapkan invensinya pada

publik sehingga dapat digunakan sebagai sumber informasi dan ide

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