LEGAL BASIS OF PATENT RIGHTS

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Abstract

The basis of patent law itself is very complete explained in the patent law regulation number 14 of 2001. In the government-compiled law it is written that the filing of patent rights on an invention or invention has requirements that need to be fulfilled.

In Indonesia, patents will be highly protected to protect the intellectual property rights of every Indonesian. According to the applicable law, namely Number 14 of 2001 inventor who has patent rights for a product or idea, has full power and can process persons who commit plagiarism, distribute and trade the patented product into legal channels in accordance with the basis of patent law regarding violations of criminal provisions in Chapter XV.

Kata Kunci : LEGAL BASIS OF PATENT RIGHTS

A. INTRODUCTION

The 1st basic material of patent law

The basis of patent law itself is very complete explained in the patent law number 14 of 2001. In a government compiled law it is written that the filing of patent rights for an invention or invention has conditions that need to be fulfilled. An invention cannot be easily filed for patent rights, if the invention is not really the result of the latest

inventions owned by Inventor. The invention also cannot be patented if it does not have high economic value, cannot be mass produced, and the invention is not general or easy to find. One example of a patent can be seen in a large leading company in America, Apple. Apple is one of the technology producers that continues to innovate by building new technology and patenting the technology in its trademark. One of the patented

technologies is the operation of one button on each apple product that uses a touchscreen system. Of course the technology that is his trademark cannot be used by other companies engaged in the same field. Criminal Provisions for Offenders of Patent Rights

In Indonesia, patents will be highly protected to protect the intellectual property rights of every Indonesian. According to the applicable law, namely Number 14 of 2001 inventor who has patent rights for a product or idea, has full power and can process persons who commit plagiarism, distribute and trade the patented product into legal channels in accordance with the basis of patent law regarding violations of criminal provisions in Chapter XV.

This was written clearly in Law No. 14 of 2001 Article 130 concerning criminal provisions, namely people who intentionally and without granting clear rights to commit violations as described in Article 16, namely regarding the sale, importation and manufacture of products on a large scale to be distributed to products that already have patents, will be imprisoned for a maximum of 4 years and / or fined a maximum of Rp. 500,000,000.00.

In addition, there are also regulations that affirm criminal violations of simple patents contained in article 131. The article states that parties who intentionally and without granting clear rights to violate simple patents as outlined in Article 16, namely on the sale of, importation and manufacture of large-scale products to be distributed to products that already have patents, will be put into action

maximum imprisonment of 2 years and / or fined a maximum of Rp. 250,000,000.00.

Legal Basis of Obligations for Patent Rights Holders.

• In addition to the rights to be received by the patent owner, there is also a legal basis for patents that regulates the obligations of patent owners in the use or use of patented products, including:

1. In Article 17 paragraphs 1 to 4, that the patent owner is obliged to impose the production of products or processes that have been patented in Indonesia.

2. In Article 18, it is written that the owner of the patent and license needs to pay an annual fee to extend the validity period of the patent as agreed. Such are some regulations regarding the rights and obligations that need to be known by patent owners, to maintain the continuity of patents on their products and also protect patented products from irresponsible individuals as stated in the Patent Law No. 14 of 2001.

B. CONCLUSION

The conclusion of this material is The basis of the patent law itself is very complete explained in the regulation number 14 of the patent law in 2001. The government-compiled law states that the submission of patent rights for an invention or invention has conditions that need to be fulfilled. And having an example of a patent can be seen in a large leading company in America, Apple. Apple is one of the technology

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D. REFERENCE (Based ISO 690)

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