THE PATENT HOLDER IS A BRAND WITH IN THE COMPANY

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Abstract

a company usually has a brand as a brand of the main product they market, in the thickest brand certainly requires the rights of anyone who holds the brand patent in the company. Patents are exclusive rights given by the State to the inventor for the results of his invention in the field of technology, which for a certain period of time carries out his own invasion or gives himself approval to other parties to implement it. (Republic of Indonesia Law No. 14 of 2001).

Kata Kunci : The patent holder is a brand within the company

A. INTRODUCTION

a company usually has a brand as a brand of the main product they market, in the thickest brand certainly requires the rights of anyone who holds the brand patent in the company. Patents are exclusive rights

given by the State to the inventor for the results of his invention in the field of technology, which for a certain period of time carries out his own invasion or gives himself

approval to other parties to implement it. (Republic of Indonesia Law No. 14 of 2001).

The term term in the patent holder

The patent holder or inventor is a person who or some person who jointly carries out an idea poured into an activity that produces invention. The holder of the patent is the inventor as the patent owner or the party who receives the right from the patent owner or other party who further receives the right, which is registered in the general list of patents.

Patent holders in a product or brand have the following rights and obligations:

1. The patent holder has the exclusive right to carry out his patent, and prohibits others who without his consent:

a. In the case of product patents: making, selling, importing, renting,

handing in use, providing for sale or leasing or being handed over to products that are patented;

2. The patent holder has the right to give licenses to others based on the license agreement letter;

3. The patent holder has the right to sue for compensation through the local district court, to anyone, who intentionally and without the right to do the actions referred to in item u1 above.

4. The patent holder has the right to sue people who intentionally and without rights violate the rights of the Patent Holder by taking one of the actions referred to in item 1 above.

- Obligations of the Patent Holder

1. The patent holder must pay a maintenance fee called annual fees;

2. The patent holder is obliged to implement his patent in the territory of the Republic of

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Indonesia, except if the implementation of the patent is economically only feasible if made on a regional scale and there is a written application from the patent holder accompanied by evidence provided by the competent authority and approved by the Directorate General of Intellectual Property Rights (DJHKI).

If if you have fulfilled the requirements that apply above and understand the rights and obligations of patent holders, they should be able to become patent holders in a brand or product. And also must obey existing rules and laws regarding patent holders.

The holder of the patent has an exclusive right to carry out the patent he owns and prohibit other people without his consent:

- a. In the case of product patents: making, selling, importing, renting, handing, using, providing to be sold or leased or handed over to products that are patented.
 - b. In the case of Process Patents: Using a Patent-given production process to make goods and other actions as referred to in letter a.
- Patent holders have the right to give licenses to others based on the license agreement letter.
 - The Patent Holder has the right to sue for compensation through the local district court, to anyone, who intentionally and without the right to do the action as intended

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in point 1 above.

- Patent holders have the right to sue people who intentionally and without rights violate their rights

patent holder by carrying out one of the actions referred to in item 1 above.

Regarding patent holders in a brand, a process is required in submitting a request due to a patent granted on the basis of the application and fulfilling administrative and substantive requirements as stipulated in the Patent Law.

In obtaining patents in a product there is a First to File system

Is a system of granting patents that adheres to the mechanism that a person who first submits an application is considered a patent holder, if all the conditions are met. A Patent application should be submitted as soon as possible, given that the Indonesian Patent system adheres to

the First to File system. However at the time of submission, a complete description of the invention must completely describe or disclose the invention. Usually patents in a product are found on the brand and logo on the brand.

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B. CONCLUSION

a company usually has a brand as a brand of the main product they market, in the thickest brand certainly requires the rights of anyone who holds the brand patent in the company. Patents are exclusive rights given by the State to the inventor for the results of his invention in the field of technology, which for a certain period of time carries out his own invasion or gives himself approval to other parties to implement it. (Republic of Indonesia Law No. 14 of 2001).

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