**THE TERMS ARE CARRIED OUT IN THE FILING OF INTELLECTUAL
PROPERTY TO GET A PATENT**

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Abstract

The term "patent" we often hear used by the wider community, and even not uncommon in understand as equivalent of the term "intellectual property" itself. But behold, the patent is just one of the many forms of INTELLECTUAL PROPERTY protection. The patent is protection of intellectual COPYRIGHT for works that are technology, also known by the term invention, and the contain the solution/technical solution to the problem of the existing technology.

Patent invention can be a product or a process, as an example of combustion in the engine of a motor vehicle that aims to produce exhaust emissions that are environmentally friendly.,both the method and the process of how the burning is done, and the engine that implements the method and process of burning it, both of which can be patented as each process and product patent.

Patent rights are only granted to the first time submitting an application that at least has been completed with the minimum requirements for filing, so that it is entitled to get the filing date. Patents also are territorial, meaning that a patent is only valid in the country where the patent application is submitted and given.

A. INTRODUCTION

The term "patent" we often hear used by the wider community, and even not uncommon in understand as equivalent of the term "intellectual property" itself. But behold, the patent is just one of the many forms of **INTELLECTUAL PROPERTY** protection. The patent is protection of intellectual **COPYRIGHT** for works that are technology, also known by the term invention, and the contain the solution/technical solution to the problem of the existing technology.

Patent invention can be a product or a process, as an example of combustion in the engine of a motor vehicle that aims to produce exhaust emissions that are environmentally friendly.,both the method and the process of how the burning is done, and the engine that implements the method and process of burning it, both of which can be patented as each process and product patent.

Terms for intellectual works in order to be patentable

Category a work of invention can be patented and based on certain characteristics. In other words, not all results could be patented. Work/invention that can be patented should be qualified in substantis. The following requirement:

1. the nature of the new

Intellectual works have never been publicized in advance, both published in any media. As for the steps that should be resized in order to obtain a patent, by filing a petition, will obtain the date of acceptance. If the intellectual works published before the date of acceptance, then the application could fail.

2. Inventive nature

The principle of obtaining **INTELLECTUAL PROPERTY** patents are inventive, or the ability to create, design something like

never before. Patents are only granted on inventors who have a person skilled in the art.

3. Applicative in nature

The intent of the Applicative research results that are found can be done repeatedly. It can also mean having a kemanfaatan level for the community. Getting the results of his discoveries used community-wide, indicating that his invention was successful as solutions to problems that arise. Intellectual works have terms that are consistent, do not easily changeable.

The following example procedure for filing a patent

Prosedur Pendaftaran Hak Cipta Kekayaan Intelektual di KEMENKUMHAM

KEPUTUSAN DIREKTUR JENDERAL HAK KEKAYAAN INTELEKTUAL
NOMOR : H-08-PR.07.10 - TAHUN 2000

TENTANG
PETUNJUK PELAKSANAAN PENETAPAN PERMOHONAN PENDAFTARAN
HAK KEKAYAAN INTELEKTUAL
MELALUI KANTOR WILAYAH
DEPARTEMEN KEHAKIMAN DAN HAK ASASI MANUSIA REPUBLIK INDONESIA
DIREKTUR JENDERAL HAK KEKAYAAN INTELEKTUAL

Dalam rangka pelaksanaan Keputusan Menteri Kehakiman Republik Indonesia Nomor M.09-PR.07.06 Tahun 1999 tentang Penunjukan Kantor Wilayah Departemen Kehakiman R.I. untuk menerima permohonan Hak Atas Kekayaan Intelektual, dipandang perlu untuk menetapkan Keputusan Direktur Jenderal Hak Kekayaan Intelektual tentang Petunjuk Pelaksanaan Penetapan Permoohonan Pendaftaran Hak Kekayaan Intelektual melalui Kantor Wilayah Departemen Kehakiman dan Hak Asasi Manusia Republik Indonesia.

Mengingat :

1. Undang-undang Nomor 6 Tahun 1982 tentang Hak Cipta (Lembaran Negara Tahun 1982 Nomor 15, Tambahan Lembaran Negara Nomor 3217) sebagaimana telah diubah dengan Undang-undang Nomor 7 Tahun 1987 (Lembaran Negara Tahun 1987 Nomor 42, Tambahan Lembaran Negara Nomor 3862) dan terakhir dengan Undang-undang Nomor 12 Tahun 1997 (Lembaran Negara Tahun 1997 Nomor 20, Tambahan Lembaran Negara Nomor 3679);
2. Undang-Undang Nomor 6 Tahun 1989 tentang Paten (Lembaran Negara Tahun 1989 Nomor 39, Tambahan Lembaran Negara Nomor 3398) sebagaimana telah diubah dengan Undang-Undang Nomor 13 Tahun 1997 (Lembaran Negara Tahun 1997 Nomor 30, Tambahan Lembaran Negara Nomor 3680);
3. Undang-Undang Nomor 19 Tahun 1992 tentang Merek (Lembaran Negara Tahun 1992 Nomor 81, Tambahan Lembaran Negara Nomor 3498) sebagaimana telah diubah dengan Undang-Undang Nomor 14 Tahun 1997 (Lembaran Negara Tahun 1997 Nomor 31, Tambahan Lembaran Negara Nomor 3681);
4. Peraturan Pemerintah R.I. Nomor 34 Tahun 1991 tentang Tata Cara Pendaftaran Merek;
5. Peraturan Pemerintah R.I. Nomor 23 Tahun 1993 tentang Tata Cara Pendaftaran Merek;
6. Peraturan Pemerintah R.I. Nomor 24 Tahun 1993 tentang Kelas Barang atau Jasa bagi Pendaftaran Merek;
7. Peraturan Pemerintah R.I. Nomor 31 Tahun 1995 tentang Komisi Banding Paten;
8. Peraturan Pemerintah R.I. Nomor 32 Tahun 1995 tentang Komisi Banding Merek;

Prosedur Pendaftaran Hak Cipta Kekayaan Intelektual | 1

The following notes to obtain patent rights

The owner of the intellectual works referred to by the term inventor. Inventor's can be done individually and groups. Inventor's easier getting a patent for their invention of the results of intellectual work, while for outside the inventor's first obtained the transfer of rights, in writing, from the inventor.

If there are other parties that obtained the transfer of the rights of the inventor will head the patent for 20 tahun such an exclusive right shall become public domain. Public domain diperuntukkan for the general public, of course keep doing process permissions on patent holders.

Patent rights in INTELLECTUAL PROPERTY are territorial. In this case the patent rights only apply d inventor country apply for a patent. The filing is done by sending a letter to the direktoral General of intellectual property rights (DJHKI). If the inventor obtains patent rights in indonesia, then a patent obtained is not

valid or does not have patent rights in other countries.

Inventor's obligation to obtain patent rights HAKI reserves the right to pay the annual fee. The cost of part of the cost of maintenance of the patent as of the last year of the period of protection. A patent will be lost if not legally paid for three consecutive years. The large maintenance costs of patents established oleh PNB (Not State Tax Receipt) in the Ministry of Justice and human rights.

Financing charges consist of some costs i.e. costs pool and cost per claim. The payment period once every year, based on the same date as the first patent application. In other words, the deadline for payment falls on the same date of filing.

Patent rights are Time Sensitive.

Patents are granted on a first-time inventor filed a patent application. The time of the filing of the petition are crucial and time-sensitive. In other words, if there are two inventor has

exactly the same intellectual work, then that will be recognized was the first inventor to apply.

Patent rights in INTELLECTUAL PROPERTY for those who already know, flocked to apply. Patent application fee of Rp. 750,000.00. Though they are actually still hesitate to verify it. Interestingly, there are some who do not ignore the cost of registration of patents for intellectual works not commercially. They still don't feel a loss, because acquiring patent rights more important than just profit economically. Remember, a patent cannot be patented again if it's been published.

Intellectual works that cannot be patented

The intellectual works that are aesthetic creations such as copyright and industrial designs are relatively easy to obtain a patent. Including the discovery of a method of computer programs, presentation of information found easier to obtain permission of the patent. However, there are also

intellectual works that turned out not to be patented. The following explanation:

1. Intellectual Works is not opposed to regulation of intellectual property rights, which were not announced at the paper before applying.
2. intellectual bertentangan did not work with legislation.
3. works of Hasl also contains religious morality is not opposed to race and interfere with public order.
4. Work intelektual not try in practice.
5. Intellectual Works not include methods and theory. For example methods of examination, treatment, treatment, surgery, and medications, including theory and mathematical formulas.

As powerful as any formula of resolving the problems, still cannot be patented.

B. CONCLUSION

From the explanation above, it can be concluded that a patent is one part of Intellectual Property Rights (IPR) which functions to protect a person's work. Intellectual works the assortment, which is starting

technology (invention), research, art and much more. One example of the intellectual work of an invention can be patented can be product and process.

Terms for intellectual works in order to be patentable:

1. Are the new
2. Inventive nature
3. Applicative in nature

As for the intellectual work that cannot be patented:

1. Intellectual Works is not opposed to regulation of intellectual property rights.
2. intellectual bertentangan did not work with legislation.
3. works of Hasl also contains religious morality is not opposed to race and interfere with public order.
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D. REFERENCE (Based ISO 690)

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