DEFINITION OF PATENTS AND SYSTEMS APPLIED IN INDONESIA IN GIVING PATENT RIGHTS IN INVENTORS

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Abstract

Patent is a special right granted by the State to the inventor of his invention in the field of technology, which for a certain period of time carries out its own invasion or gives approval to other parties to carry out it. The definition of patent itself is imposed in the Act which is located in article 1 paragraph 1 of the Law on patents.

Inventor is a person who individually or several people who jointly implement the ideas poured into activities that produce inventions (Findings).

The application of the Patent Rights itself in Indonesia is assessed from the first inventory system to register their products for patenting.

Keywords: Patents, and Inventor

A. INTRODUCTION

Patent is a special right granted by the State to the inventor of his invention in the field of technology, which for a certain period of time carries out its own invasion or gives approval to other parties to carry out it. The definition of patent itself is imposed in the Act which is located in article 1 paragraph 1 of the Law on patents.

The word patent comes from the English patent, which originally came from the word *patere* which means opening up (for public examination), and also comes from the term *letter patent*, which is a decree issued by the kingdom that gives exclusive rights to individuals and certain business actors. From the definition of the word patent itself, the patent concept encourages inventors to open knowledge for the betterment of society and instead, inventor

gets exclusive rights for a certain period. Given that the patent does not regulate who has to do a patented invention, the patent system is not considered a monopoly right.

At present there are several international agreements governing patent law. Among other things, the WTO Agreement on TRIPs which is followed by almost all countries.

Patent rights are territorial, that is, binding only in certain locations. Thus, to obtain patent protection in several countries or regions, a person must submit a patent application in each of these countries or regions.

In general, there are three broad categories of subject matter that can be patented: processes, machines, and items produced and used. The process includes algorithms, business methods, most software, medical techniques, sports techniques and the like. The machine includes tools and apparatus.

The goods produced include mechanical devices, electronic devices and material compositions such as chemistry, medicine, DNA, RNA, and so on. Specifically human embryonic stem (hES) cannot be patented in the European Union.

There are 2 types of systems used in patent registration, that is :

1. First to File system, this system in patent registration is carried out for those who register first for new inventions in accordance with the requirements.
2. The First to Invent system, is a system that provides patents for those who find the first innovation in accordance with predetermined requirements.

In conducting patent rights, Indonesia itself applies to the first system, the First to File system, where the inventor who first registers a product has the right to register a patent with terms and conditions in force.

B. CONCLUSION

Patent is a special right granted by the State to the inventor of his invention in the field of technology, which for a certain period of time carries out its own invasion or gives approval to other parties to carry out it. The definition of patent itself is imposed in the Act which is located in article 1 paragraph 1 of the Law on patents.

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