VIOLATION OF PATENT RIGHTS ON VIDEO RECORDING TECHNOLOGY (case study of SONY & RED camera manufacturers)

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Abstract

The term "patent" we often hear is widely used by the wider community and is not even misunderstood as the equivalent of the term intellectual property rights themselves. But actually, patents are just one of many forms of IPR protection. Patent is the protection of intellectual property rights for intellectual works that are technological in nature, also known as inventions, and contain technical solutions / solutions to problems found in existing technologies.

For example, the small nail found by Levi Strauss to be installed at the ends of a jeans pocket, for example, which was later awarded a patent in the United States in 1873, contained a technical solution to the problem of loose-fitting pocket denim pants at the time, considering the usage outdoor with a high enough intensity. Patent inventions can be products or processes. For example, combustion on a motorized vehicle engine that aims to produce exhaust emissions that are more environmentally friendly. Both the method and the process of how the combustion is carried out, and the machine that applies the combustion method and process, both of which can be patented respectively as process patents and product patents.

Keywords: Patents and inventions

A. INTRODUCTION

1. UNDERSTANDING PATENT

Patent is an exclusive right granted by the State to the inventor of the results of his invention in the field of technology, which for a certain period of time carries out his own invasion or gives his consent to other parties to implement it. (RI Law no.14 of 2001, ps. 1,v.1)

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 certain individuals and business people. From the definition of the word patent itself, the patent concept encourages inventors to open knowledge

for the betterment of society and in exchange, inventor gets exclusive rights for a certain period. Considering the giving of a patent is not regulating who has to do a patented invention, the patent system is not considered a monopoly right.

Advantages of Copyright and Patents

With the existence of a patenting of a creation, making a creator benefit from the goods created by him which can be an economic value for himself and a payment for what has been made with his work, also makes the creators flock to make a copyrighted work. It is motivated by a confession that was created, so that many great creations can be created that can be used and useful by many people.

Another advantage is that patented items cannot be imitated by others, if they imitate they will be subject to sanctions that have been regulated by IPR law so that the creator gets legal protection for his copyright.

Weaknesses of Copyright and Patents

Usually items or anything that has been patented will be of high economic value so consumers will be very difficult to buy so they prefer lower or more quality goods.

choose to use counterfeit or pirated goods in the form of computer software

and even many who break into them so they can use them for free. Another disadvantage in the process of patenting a work is the high costs and long and difficult procedures for the creator, not the least time needed. There are even issues that will not run smoothly without facilitation payments in the patent registration process.

WHAT CAN AND CANNOT BE PASSED?

To be able to obtain a patent (patentable), an invention must meet the substantive requirements, namely:

NEW: An invention may not have been revealed / published in any media - patent / non-patent, national / international - before the patent application is submitted and obtains an Acceptance Date. If an invention is submitted and gets an Admission Date on January 2, 2014, the publication of the invention on January 1, 2014 will frustrate the invention to obtain a patent because it is no longer new

INVENTIVE STEPS: Patents will only be given for inventions that are unpredictable, or not obvious, for people who have expertise in related fields (person skilled in the art). For example, if the technical problem faced is a pen

cap that is often lost when removed, then simply connecting the lid and body of a pen with a rope will not be considered to contain inventive steps. But the solution is a ballpoint eye that can enter and exit the inside of the body using a spring mechanism, containing an inventive step

CAN BE APPLIED INDUSTRY:

An invention must be carried out repeatedly while producing consistent and unchanging functions. The formula to ward off flu with the composition of the juice of a lime stirred together with one teaspoon of honey cannot be categorized as industrial application, but the chemical composition must be described first, because between lime of different sizes, varieties or origin of planting can produce effects or different properties.

The invention cannot be patented if:

announcements / use / implementation are contrary to the prevailing laws and regulations, religious morality, public order, morality, for example inventions whose specific uses are to use drugs

in the form of methods of examination, treatment, treatment and / or surgery that are applied to humans and / or animals such as caesarean section methods, chemotherapy methods

theories and methods in the field of science and mathematics so that any mathematical formula can be as patented by anyone all living things, except microorganisms and biological processes that are essential for producing plants or animals, except for non-biological processes or microbiological processes. Because there is an exclusion of patents on living things this is the protection of varieties

new plant breeding results are held separately through PVP IPR.

It should also be noted that the invention does not cover aesthetic creations (can be protected by copyright or industrial design) the scheme of rules and methods for conducting activities

mental, game, or business rules and methods regarding computer programs (software protected by

copyright) and presentations about information.

Case Study of Patent Rights Violations

The feud between the SONY and RED camera manufacturers is getting hotter, where this time SONY replies to the Cinema RED camera manufacturer with claims for violations of 7 patents owned by SONY which were violated by RED. This feud between SONY and RED, started from the side of one of the "RED" Cinematography camera manufacturers commonly used for the production of big Box Office Hollywood films, which first filed patent infringement demands on 4K resolution video recording technology on F5 cinema camera products, SONY F55 and F65 as examples of violations of democracy.

On this demand, RED requests to stop the production of all three types SONY's camera and pulled back and had to destroy all cinematography cameras SONY F5, F55 and F65 which had already circulated. But SONY did not ignore requests for RED demands and continued to produce and sell SONY F5, F55 and F65 cinematography cameras. Even the SONY launches a much bigger

counterattack, where SONY presents demands to the RED for violations of 7 (seven) copyrights contained in RED cinematography camera products and RED special accessories for special cinematography products.

2. INVENTOR

The person who produces an invention, both alone and several people together, is called the inventor. It is this inventor who is the first to be entitled to obtain patent rights for the invention he produces. Anyone outside the inventor who wants to have patent rights over the invention must first obtain a written transfer of rights from the inventor. Both Inventor and other parties that receive the transfer of rights from the inventor are Patentee Owners / Holders, who have exclusive rights to carry out the patented invention for 20 years calculated from the Receipt Date. After these 20 years, the intended invention will become public property and can be used by anyone without the need to ask permission from the patent holder.

3. Who has the right to obtain a patent?

Not everyone has the right to get a patent. But if he has produced an invention (discovery) both alone and with his group, he is entitled to a patent. But on the condition that he also submitted it to the Director General of Intellectual Property Rights. Usually the owner or inventor has the right to hold a patent for 20 years. After 20 years, the patent becomes public

property. And can be used by anyone without the need for permission.

4. What needs to be avoided before submitting a patent

What must be avoided before a Patent request is submitted is disclosure or publicly published results of research or inventions in a period of more than 6 (six) months before the patent application is submitted. Disclosure of the results of research or discovery can occur in 3 (three) ways:

1. Through decomposition of techniques with published writings.
2. Through decomposition of products and or how to use them in public.
3. Through product exhibitions, it can be an exhibition international in Indonesia or abroad which is official or recognized as official or in the form of a national exhibition in Indonesia which is official or recognized as official.

5. Explanation of patent research / discovery in 3 ways:

1. Through Engineering drawing with written papers,
2. Through product ordering and or how to use it in public
3. Through product exhibitions, it can be an internasiaonal exhibition in Indonesia or abroad which is official or recognized as official or in the form of a national exhibition in Indonesia that is official or recognized as official.

B. CONCLUSION

Atas kasus yang terjadi perseteruan produsen kamera SONY dan RED, ada pelajaran yang dapat dipetik dari kasus ini yaitu masyarakat internasional harus dapat menghargai dan melindungi ketetapan Hak Kekayaan Intelektual (HKI) yang telah mengikat dalam aturan hukum. Jika individu atau masyarakat melakukan plagiat, atau juga menjiplak hasil tiruan dari sebuah produk teknologi, maka sanksi hukum akan segera menjerat subjek yang melakukan pelanggaran tersebut. Betapa pentingnya pendaftaran paten oleh individu maupun perusahaan, Hal ini dapat menunjukkan citra baik suatu perusahaan yang kemudian akan berdampak pada

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