LEGISLATION OF PATENT

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Abstract

At present there are several international agreements made about legal patents. Among other things, the WTO Agreement on TRIPs which is followed by almost all countries.

Provision of territorial patents, that is, binding only in certain locations. Thus, to obtain patents in several countries or regions, a person must request a patent application in each of these countries or regions. For Europe, anyone can submit a patent application to the European Patent Office, which if successful, the application applicant will get several patents (up to 36 patents, each for each country in Europe), as well as one patent used in the entire region. Europe

Kata Kunci : Legislation Of Patent

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A. INTRODUCTION

Patent Law

Indonesian Patent Rights are currently regulated in Law No. 13 of 2016. This patent law is the latest law to replace patent law No. 14 of 2001 because of the many substances that need to be added or repaired.

Based on the narrative of the Head of Legal Division, Bureau of Law, Cooperation and Public Relations of BPPT, the substance in Law No. 13 of 2016 is more than 50 percent changed. With the existence of the new patent law, it is also intended that researchers will increasingly understand the procedures for filing patents and make inventions will increase. This patent law has also adjusted to the provisions of international regulations.

As is known that patents are highly correlated with the availability of many jobs.

Countries that produce many patents will provide broad employment opportunities for the population, because one of the requirements of a patent is that it can be applied in industry.

Difference between Old and New Patent Laws

The patent law was renewed or replaced to amend the previous Law, justifying the less correct and adding that did not yet exist. In addition to adjusting to the conditions of the community.

Although with Law No. 14 of 2001 concerning Patents, the implementation of Patents has been implemented, but there are substances that are no longer in line with the development of law, both nationally and internationally and have not been regulated in accordance with the standards in the Agreement on Trade Aspects of Intellectual Property Rights (

Agreement on Trade Related Aspects of Intellectual Property Rights hereinafter referred to as TRIPs agreement, so it is necessary to make a replacement.

Approach to revision of the Patent Law written in the Patent Law No. 13 of 2016 reads:

- Optimizing the presence of the state in the best service of the government in the field of Intellectual Property.
- Allegiance to Indonesian interests without violating international principles.
- Realizing economic independence by mobilizing strategic sectors of the domestic economy by encouraging national inventions in the field of technology to realize technological strengthening.
- Building a national patent foundation through a systemic approach to pragmatic legal realism.

B. CONCLUSION

In the old law Inventor is someone who individually or several people who jointly implement the ideas poured into activities that produce inventions. Whereas in the New Law Inventor is a person or several people who jointly carry out the ideas poured into activities that produce Inventions.

Interpretation of the old law, inventors only apply to individuals or a few, while in the new law inventors are interpreted extensively that inventors consist of individuals, several people, legal entities and several legal entities.

C. ACKNOWLEDGEMENT

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University Of Mitra Indonesia
Telkom University
University Of Mellbourne
Saitama University

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