

Implications Of Legal Protection Of Intellectual Property Rights For Obtaining Economic Benefits

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ABSTRACT

Intellectual property rights are an implication of the development of international trade, especially in industrial countries. In developing countries, the understanding and protection of intellectual property rights receives less attention, which causes many violations of intellectual property rights and harms creators and inventors. Intellectual property rights have an important role in economic traffic, both regional and international, including investment in a country to spur economic growth of the country and its people. Indonesian society, which is diverse in culture, religion and ethnicity, has very rich creative works, and must take part in the utilization of intellectual property rights. Legal protection and use of copyright are very necessary to become a source of development for the national economy and Indonesian society.

This research is aimed at examining the implications of Intellectual Property Rights on economic benefit gains. An owner of Intellectual Property Rights as a creative subject must obtain a guarantee of legal protection on his or her work. The result shows that the form of legal protection of intellectual property rights is that the owner of intellectual property rights in performing his or her rights must be protected by law. The economic rights owned by the owner will gain economic benefits if it is performed. The rights include the rights to use, to produce, to publish, to copy, to import, to export and to grant a license (permit) to another party that is intended to make use of the intellectual property. In a condition of law violation, the Law of Intellectual Property Rights as a preventive effort will give a right to an owner of intellectual property rights to sue on civil, criminal, or administrative law. The sanctions on the law breaker are also already written in each law of intellectual property rights that includes copy right, brand right, patent right, graphic design right, and integrated circuit lay-out right. The reason why an owner does not automatically gain economic benefits from his or her work is because he or she does not use the economic rights that he or she has. Some matters causing it are quite high costs of production, difficult licensing, and hard competition.

The law protection and economic benefits are two essentials of intellectual property rights. An owner of intellectual property rights is a creative subject that should have those two matters.

Keywords: The law protection of Intellectual Property Rights (IPR), economic benefits.

INTRODUCTION

Intellectual rights originate from creative activities of human thought that have benefits and economic value that will benefit the copyright owner. Intellectual Property Rights

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(IPR) is an important discussion related to international trade and the economic development of a country. Intellectual works include science, art, literature and technological innovations that influence the growth of society and industrial development. IPR can bring prosperity to people's lives if these rights are protected by law. IPR is a right that originates from the results of creative activities, a human thinking ability that is expressed to the general public in various forms that have benefits and are useful in supporting human life, and also have economic value (M. DjumhanaR. Djubaedillah, 2003:22).

IPR is a property right that arises from human work, initiative, creation, or can also be referred to as property rights that arise from human intellectual abilities. The results of these creations are recognized in society by those who create them to be able to control them for purposes that benefit them. Creation as property is based on the postulate of property rights in the broadest sense which also includes intangible property (R. Pound, 1982:118).

One form of standardization of IPR law is TRIPs (Trade Related Aspects of Intellectual Property Rights) which was discussed in the Uruguay round. TRIPs is the most complete international agreement regarding IPR protection (Long, 1998:249). The TRIPs Agreement also adopts conventions in the field of IPR, namely the Paris Convention and the Berne Convention (two main conventions in the field of copyright and industrial property) (Sardjono, 2009: 5). The history of the formation of TRIPs shows that IPR has an important role in trade, especially to obtain economic benefits. Normatively, the purpose of the TRIPs Agreement is contained in article 7, namely to provide IPR protection and law enforcement procedures by implementing measures that create 4 healthy trade, to spur new inventions in the field of technology and facilitate technology transfer and dissemination of technology while still paying attention to the interests of producers. and the use of knowledge to support social and economic welfare, a balance between rights and obligations.

In the 1945 Constitution of the Republic of Indonesia, there are no specific regulations discussing IPR. However, Article 28C paragraph 11 of the 1945 Constitution is often used as a reference regarding IPR which stipulates that every person has the right to develop himself through fulfilling his basic needs, has the right to receive education and acquire knowledge and technology, arts and culture, for the sake of improving the quality of life and for human welfare.

IPR is a "right" that is closely related to economic issues. IPR is synonymous with the commercialization of intellectual works. Commercialization of intellectual work is principally

aimed at generating economic benefits. This cannot be separated from the background to the birth of Trade Related Aspects of Intellectual Property Rights (TRIPs). The IPR legal protection system in Indonesia after the ratification of the TRIPs Agreement in the WTO, experienced several changes, both in terms of paradigm (from local-national to global international) and substance (increasingly standardized in the form of the TRIPs Agreement minimum standards, linked to trade). This change is a direct influence of international agreements that have relevance to IPR issues.

Several areas of IPR that have been regulated in laws and regulations in Indonesia after the TRIPs Agreement are Law Number 29 of 2000 concerning Protection of Plant Varieties, Law Number 30 of 2000 concerning Trade Secrets, Law Number 31 of 2000 concerning Industrial Design, Law -Law Number 32 of 2000 concerning Integrated Circuit Layout Design, Law Number 14 of 2001 concerning Patents, Law Number 15 of 2001 concerning Trademarks, Law Number 19 of 2002 concerning Copyright.

The government has made various efforts to bring IPR closer to the public, including socialization of IPR laws, seminars, competitions about IPR and various other activities. Another important thing is the provision of incentives, including from the Ministry of Law and Human Rights, the Ministry of Research and Technology, the Ministry of Education and Culture, and the Ministry of Industry. The legal protection that the owner has obtained can provide a sense of security to develop his work so that in the end he can obtain economic benefits. Owners who have not received legal protection will not feel completely safe in utilizing the results of their work because of threats from other parties. This is what the government and the entire community need to pay attention to so that IPR can be understood as a whole by the entire community so that IPR can hopefully lead society towards a prosperous life. Legal protection and economic benefits are two things that should ideally be obtained by IPR owners, but in reality this has not fully happened.

PROBLEM FORMULATION

Based on the background of the problem relating to the Implications of Legal Protection of Intellectual Property Rights for Obtaining Economic Benefits, the problem formulation is as follows:

- a. What is the form of legal protection for IPR owners to obtain economic benefits and?

The Importance of Intellectual Property Rights Protection for Creative Economy Actors?

b. Why don't IPR owners immediately ² get economic benefits from the results of their work?

RESEARCH METHODS

⁶ The type of research used in this research is normative legal research. Normative legal research is legal research carried out by examining library materials or secondary data only (S. Soekanto and Sri Mamuji, 1985: 15). This research uses statutory regulations relating to the implications of IPR legal protection for economic benefits for owners.

Some of the positive things about normative research are that by analyzing secondary data, research can be conducted on the widest possible scope of fields. Secondary data can be used as material to assess the results of research conducted by researchers before conducting actual research. Research on secondary data is not bound by time and place (S. Soekanto and Sri Mamudji, 1979:19)

⁴ The approach used in this research is the statutory approach. The statutory approach is an approach taken by examining all laws and regulations related to the legal issue being handled (Marzuki, 2005: 133). This research will examine the implications of IPR legal protection for economic benefits based on relevant laws or regulations. Method of collecting data

The method used in collecting secondary data is a literature study of primary legal materials, secondary legal materials and tertiary legal materials (S. Soekanto, 2003: 12-13). The method used is searching, obtaining, analyzing all references in the form of statutory regulations, expert opinions in books, internet media sites, sources, dictionaries, which are related to the research title.

DISCUSSION

a. Form of IPR Legal Protection

⁸ The reality of IPR protection related to the IPR registration system is that the registration procedure is considered complicated, "expensive" and tends to be uncertain in terms of time, so that in the end ⁸ it is not registered. This of course weakens legal protection and has implications for creative economy products not being protected.

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Another reality of IPR protection relates to IPR law enforcement. Up to now, it is felt that enforcement of IPR law is still selective and lacks proper and professional handling. The lack of law enforcement officers who have a good understanding of IPR is also a real reality in enforcing IPR law. So creative economy products whose IPR has been registered cannot be protected, even though the proper legal process has been carried out. ([https://law.uui.ac.id/blog/2021/08/23/lembagaintermiari-hki-dan-economic-kreatif/accessed 16 August 2022](https://law.uui.ac.id/blog/2021/08/23/lembagaintermiari-hki-dan-economic-kreatif/accessed%2016%20August%202022)).

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1. The Ministry of Industry has determined four strategic steps in facing Industry 4.0. The steps that will be implemented are: Encouraging the workforce in Indonesia to continue to improve their abilities and skills, especially in using internet of things technology or integrating internet capabilities with production lines in industry;
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2. Utilization of digital technology to spur productivity and competitiveness for small and medium industries (IKM) so they can penetrate the export market through the E-smart IKM program.
3. More optimal use of digital technology in national industry such as Big Data, Autonomous Robots, Cybersecurity, Cloud and Augmented Reality.
4. Encourage technological innovation through the development of start-ups by facilitating business incubation so that there are more technology-based entrepreneurs in Indonesia.

Of the four strategic steps that have been determined by the Ministry of Industry in facing Industry 4.0, the second step, namely the use of digital technology to spur productivity and competitiveness in penetrating the global market, will be the focus in this article.

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The Indonesian government appears serious in encouraging the business sector to adapt to the Fourth Industrial era or Industry 4.0 which is dominated by connectivity. The Internet network has become something that cannot be separated from this era. there will be problems with this registration process. (Dyah Permata Budi Asri: 2020)

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Copyright , which is one branch of Intellectual Property Rights, is immaterial property rights, intangible objects. According to Article 499 of the Civil Code, "What is called an object is every item, and every right that can be controlled becomes an object of wealth

(property) or ownership rights. For Indonesian people who are used to trading concrete objects, for example land, houses, gold, including livestock, it is quite difficult to understand abstract objects called rights. Intellectual Property Rights are the right to obtain legal protection for intellectual property in accordance with statutory regulations (Article 1 paragraph 15 of Law of the Republic of Indonesia Number 18 of 2002 concerning the National System for Research, Development and Application of Science and Technology for Intellectual Property Rights). Legislation in Indonesia regarding IPR is: Law Number 29 of 2000 concerning Protection of Plant Varieties, Law Number 30 of 2000 concerning Trade Secrets, Law Number 31 of 2000 concerning Industrial Design, Law Number 32 of 2000 concerning Integrated Circuit Layout Design, Law Number 14 of 2001 concerning Patents, Law Number 15 of 2001 concerning Marks, Law Number 19 of 2002 concerning Copyright. Conventionally, IPR is divided into 2, namely: 1. (Directorate General of Intellectual Property Rights, 2. Ministry of Justice and Human Rights of the Republic of Indonesia, 2003: 3), namely: Copyright and Industrial Property Rights, which include: Patents, industrial designs, trademarks, plant variety protection, layout design of integrated circuits, trade secrets. Copyright is Copyright is the exclusive right for the creator or recipient of the right to publish or reproduce his work or give permission to do so without prejudice to restrictions according to applicable laws and regulations (Article 1 point 1 of Law Number 19 of 2002 concerning Copyright) .

Creative Economy The creative economy develops from the concept of creativity-based capital which has the potential to increase economic growth in an area. According to President Susilo Bambang Yudhoyono in Agung Pascasuseno (2014), "the creative economy is the 4th wave of the economy which is a continuation of the 3rd wave of the economy with an orientation towards creativity, culture, as well as cultural heritage and the environment". In economic history there is a shift in the orientation of economic waves starting from the change from the agricultural era to the industrialization era, then the information era was formed which was followed by discoveries in the fields of technology and information (Purnomo, 2016, p. 6). This shifting wave has brought new and increasingly developed life to humans. With developments such as new discoveries in the field of information and communication technology such as the internet, email, Google, PlayStore, and so on, it increasingly encourages people to become more active and productive in discovering new technology. Industrialization creates a work pattern, production pattern and distribution pattern that is cheaper and more efficient. From several definitions of the

creative economy, it can be concluded that the creative economy is an economic activity related to innovation, creativity, ideas and thoughts originating from human resources, so that the production results, both goods and services, have added value. The creative economy is a group of industries that consists of various types of industries that are related to exploiting ideas that can produce high economic value so that they can create prosperity and jobs for the community. The creative economy has concepts related to arts and culture, creativity, individuals, and the use of technology in the context of building a product or service that has economic value. The term creative economy has become known globally since the book *The Creative Economy: How People Make Money from Ideas* by John Howkins

As a legal object, the concept of copyright and its treatment are the same as concrete objects. If land can be sold then copyright can be sold, if land can be inherited, then copyright can be inherited, if land can be rented then copyright can also be rented. Concrete objects can only be sold once, while copyrights can be licensed many times, causing their economic value to multiply. Currently, many people in Europe, America and other developed countries are actually developing copyright, because it provides large profits, such as selling books, computer programs, films and so on. Concrete objects have a limited number, while copyright will never expire as long as humans want to create, because copyright is the result of human thought. "Copyright is essentially a form of personal property, however its intangible" (....., p. 148, 2002). Copyright is an exclusive right that belongs to someone, therefore only the copyright holder may use it, unless permission is given to do so. According to article 1 paragraph (1) of Law Number 19 of 2002 concerning Copyright and Rights related to Copyright, "Copyright is a special right for the creator or recipient of the right to publish or reproduce his work or give permission to do so without reducing restrictions -Restrictions according to applicable laws and regulations.

According to Article 12 paragraph (1) of Law Number 19 of 2002, protected creations are creations in the fields of science, arts and literature, including: books, computer programs, the layout of written works, speeches, props, songs, or music with or without text, drama, performance work, broadcast work, batik art, painting, drawing, art

Utilization, Economic Value of Copyright, Local Communities¹²⁴ carving, sculpture, handicraft arts, photography, data base and others. However, the results of open meetings of High State Institutions, statutory regulations, state speeches, court decisions and judge's

decisions, do not contain copyright, causing, announcing or reproducing these creations does not constitute a violation of rights (infringement).

Copyright holders have rights including :

1." Right to publish: the copyright holder over literary, dramatic, musical and artistic work has the right to publish it for the first time.

2. Right to perform the work in public, the owner of copyrights in a sound recording has the right to use it to be heard in public.

3. Right to broadcast the work to the public.

4. Right to make an adaptation.

5.Right to rent.6.Right to import " (..... p. 169,2002) Copyright can only be used by the right holder, other people without their permission are not permitted to use or exploit this right. Like other material rights, copyright can also be transferred and transferred to other parties, therefore its use can also be carried out by other people through an agreement, or the granting of a license and can also be inherited by their heirs.

Copyright contains, firstly, moral rights, namely the right of the creator to have his name immortalized in his creation, and to prohibit other people from changing his creative work. According to article 6 of the Bern convention; "The outsider shall have the right to claim authorship of the work, an object for the any distortion, mutilation or other modification of, or any other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation". Meanwhile, the second right is economic right, namely the right to announce, reproduce, the right to make changes, and also the right to combine with other rights. This economic right has the function of multiplying the economic value of a creative work, so that the goal of making a profit can be achieved effectively.

Intellectual Property Rights (IPR) are legal protection rights for owners of the results of creative thinking abilities expressed to the general public in various forms, which are useful in supporting human life because they have economic value. IPR can be seen as a form of compensation or encouragement to produce creative work. Compensation is related to all the hard work that has been expended by the owner so that he needs to receive appropriate

compensation for the results of his efforts. The encouragement to produce creative work is related to the guarantee of legal protection for IPR owners and the economic benefits that will be obtained after obtaining legal protection.

Legal protection of IPR is a guarantee of exclusive rights owned by creative subjects. Exclusivity rights are compensation for all the efforts that have been expended or sacrificed by the owner of the intellectual work. Expenditures include costs, time and sacrifice (Maskus, 2000:146). Exclusive rights are monopoly rights for a period of time and with certain conditions. Legal protection is only given to creators, designers or inventors who, with their intellectual power, produce an original creation, design or invention that did not previously exist. This IPR legal protection includes a balance between the rights and obligations of both the owner and the people who use it.

IPR legal protection is closely related to two governing systems, namely the constitutive system and the declarative system. The constitutive system is a system that regulates that to obtain legal protection, works must be registered. This system applies to patents, brands, Industrial designs, Integrated Circuit Layout Designs, plant variety protection. The justification for legal protection for the constitutive system is a certificate from the Directorate General of IPR, Ministry of Law and Human Rights. A declarative system is a system that stipulates that registration is not mandatory to obtain legal protection because legal protection begins to exist when the work appears. The Declarative System applies to Copyright and Trade Secrets.

The form of IPR legal protection for the owner is that the IPR owner in exercising his rights is protected by law. IPR owners who have received legal protection obtain two rights, namely economic rights and moral rights. Economic rights are the rights of IPR owners to obtain economic benefits from creations and related rights products, inventions, brands, industrial designs, integrated circuit layout designs, trade secrets and plant varieties. Moral rights are rights inherent in the owner of IPR which cannot be removed or erased even if the right has been transferred. Other parties who violate the rights of IPR owners can be sued by the IPR owner in accordance with what is regulated in the respective IPR Laws, namely Law Number 29 of 2000 concerning protection of plant varieties, Law Number 30 of 2000 concerning Trade Secrets, Law Number 31 of 2000 concerning Industrial Design, Law Number 32 of 2000 concerning Integrated Circuit Layout Design, Law Number 14 of 2001

concerning Patents, Law Number 15 concerning Trademarks of 2001, Law Number 19 2002 concerning Copyright.

IPR legal protection can provide a sense of security for owners so that the owner uses the rights he has to obtain economic benefits from the results of his work. Economic benefits are not shared. The owner immediately feels it if the owner does not use the rights its economy. Several things cause this is the cost of producing intellectual property is very high, permits in making products that are quite difficult, competition is quite high, there are no institutions that facilitate and control the creation of wealth. These intellectuals are made into products on the market.

The explanation regarding IPR legal protection is also supported by three Positive values in the theory of utilitarianism are rationality, freedom and universality (Keraf, 1998:96-97). Legal protection of IPR, rationally given because of the recognition that each individual have ownership rights to something that belongs to him. This ownership is legally recognized by law. Ownership does not simply interpreted as "having" but the most important thing is what benefits can be received from such ownership. This can brings good things to human life, namely security welfare and profit.

IPR legal protection can provide a sense of security for owner in using the intellectual property he owns for generate economic benefits. Other parties who violate rights the owner can be sued by the owner because this has been regulated inside the entire IPR Law.

IPR owners need to first understand IPR as a whole regarding the definition of IPR, registration system, protected objects and especially regarding the rights and obligations of IPR owners. Rights and Obligations are a basic element in the legal protection of IPR. Form IPR legal protection for the owner is the owner in exercise their rights protected by law. This IPR legal protection provide a guarantee for the owner that his rights can be used as much as possible without interference from other parties. Other parties those who violate the owner's rights, can be sued by owner in a civil, criminal or administrative manner. Sanctions against parties Violators are also regulated in the IPR Law.

Legal protection of IPR is not the ultimate goal of IPR itself because basically the purpose of making IPR regulations is protection of the owner's interests. The interests of the intended owner is the economic benefit that can be obtained by the owner. Protection IPR law is a guarantee for owners to obtain rights exclusive to his work. Legal protection provides

guarantee of freedom and security for the owner to be creative and use the exclusive rights it owns so that it can produce and provide benefits for themselves and society

b. Government efforts to increase IPR registration

"Indonesia, as an archipelagic country, has a very rich diversity of arts and culture. This is in line with ethnic, ethnic and religious diversity which as a whole constitutes national potential that needs to be protected" (Adrian Sutedi, p. 114, 2009). In local communities, many works are in distinctive forms and show their authenticity, such as carvings, batik art,

Utilization, Economic Value of Copyright, Local Community songs, music, dance, sculpture, applied arts in the form of handicrafts and so on which have so far received little attention from the creators themselves or related parties. The development of today's society and the flow of globalization, a result of human creativity, must have economic value. To create economic value, the most important step is to prove who holds the rights to the work, because that right will have economic value. Copyright actors and supporters must understand the value and protection of copyright as the beginning of opening up trade in the copyright sector.

The Indonesian government has tried to motivate the public to be creative and increase the number of intellectual property registrants through several State Ministries, namely the Ministry of Law and Human Rights Human, Ministry of Research and Technology, Ministry of Education and Culture, Ministry of Industry. One of the government programs to encourage people to produce work and registering IPR is providing an incentive. Understanding Incentives is financing the registration of IPR applications (Letter Decree of the Director General of Intellectual Property Rights IPR Number- 54.OT.03.01 of 2012) concerning Guidelines for Implementing Incentives IPR Registration. For High Schools, Universities, Micro Businesses and Small Businesses and Correctional Inmates for the Fiscal Year 2012). Ministry of Law and Human Rights through the Directorate The Intellectual Property Rights General provides registration incentives for increasing the productivity of producers of intellectual creations for submit an application for Intellectual

Property Rights (Article 2 paragraph 1 Letter ⁷ Decree of the Director General of Intellectual Property Rights IPR Number- 54.OT.03.01 of 2012 concerning Guidelines for Implementing Incentives ⁷ Registration of Intellectual Property Rights for Secondary Schools, Universities High, Micro and Small Businesses as well as Correctional Inmates 2012 fiscal year). The scope of incentives is rights Copyright, Industrial Design, Patents and Simple Patents and Trademarks. Giving Incentives are specifically given to schools, universities and businesses Micro and Small Businesses, community inmates. The hope that arises from providing incentives is that there will be more Many Indonesians register Intellectual Property they can thus lead to economic progress and prosperity society on the other hand. Providing incentives from each Ministries vary in number and processes. This research more focused on the Ministry of Law and Human Rights based on two reason, firstly the Directorate General of Intellectual Property Rights is under the auspices Ministry of Law and Human Rights, both registration incentives from other ministries for MSMEs and Rp. 1,000,000 for non MSMEs. Submission of an application for IPR Registration can be done by the applicant himself or through an IPR consultant. Applications can be made in several ways, namely first, the IPR applicant/consultant can directly ² to the Directorate General of IPR, secondly, through the Regional Office Ministry of Law and Human Rights (in accordance with Directorate Decree General Intellectual Property Rights Number: H.01.PR.07.06-year 2004), thirdly through existing IPR centers. Based on the explanation above, it can be assessed that the efforts carried out by the government to increase wealth registration intellectual through incentives is the right step considering that the costs must be paid by the creator/inventor to register quite expensive. This is as regulated in Government Regulations Number 45 of 2014 concerning Types and Tariffs for Types of Revenue Non-Tax State (PNBP) Applicable to the Ministry of Law and Human rights. Providing a fairly large amount of incentives only is one of the factors that can encourage an increase in numbers registration. The most important factor is the awareness of the owner such intellectual property about the importance of registration for obtain legal protection. According to Mrs. Dra. Rr. Sri Widyaningsih, SH., M.Hum, MA and Mr. Haryanto, SH (Interview conducted on Tuesday, August 26 2014 at 08.00 WIB), benchmarks for determine the level of public awareness in a region regarding IPR can be seen from the number of registrants. High number of registrants indicates that public awareness about IPR. The region an example is Yogyakarta. Providing incentives from the government for Increasing registration is a form of government attention regarding The role of IPR can lead society to prosperity live because of the intellectual property they own.

c. The reason is that the owner does not immediately get economic benefits

IPR owners who exercise their economic rights can immediately obtain economic benefits from the results of their work. The owner doesn't If you use economic rights and do not produce the work in the form of products on the market, the owner will not receive economic benefits from the results of his work. The consequences that can arise are not only the owner fails to gain economic benefits but also general public. This means that the aim of legal protection has not been achieved completely successful because it only protects but cannot provide economic benefits.

The economic rights in each IPR Law are different for example, in copyright, economic rights consist of. Economic rights consist of reproductive rights, adaptation rights, rights distribution (distribution rights), performance rights (performance rights), Rights broadcasting rights, cable programming rights, droit de suite, and public lending rights (Public Lending Rights) (Djumhana 1997:65). Copyright is intellectual property that can be If their economic rights are exploited then the right to transfer ownership of copyright, for example through assignment (Assignment), or license to use Copyright works. Economic rights on There are only two types of patents, namely in the form of personal use rights and use rights via license without any other variations. Economic rights in Marks are also limited only three types, namely own use rights, use through a license trademarks and service mark licenses, without other variations.

The reality is that many IPR owners do not exercise their economic rights when they have earned them legal protection. This means that IPR owners do not immediately acquire ownership rights obtain economic benefits from the IPR they own. Benefit In principle, the economy must be felt by the owners and the community. Matter This is in line with the theory of utilitarianism, namely that an action is said to be good if it provides the greatest benefit to as many as possible person. Legal protection does not intended only to provide a guarantee legally but also economically.

The exclusive rights owned by the owner are the right to use, or exploit the results of their work in order to be able to provide economic value. People who have IPR means they have rights exclusive access to these assets. This means that in general para Only the creator, owner or inventor has the right to copy and utilize his work. In Article 27 paragraph 2 of the Declaration of Humanity Right listed,

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author .

IPR which is a private right (Preamble to TRIPs par.4), its existence in balance with the public interest. Even The objectives of TRIPs are stated:

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The protection and enforcement of intellectual property rights, should contribute to... the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations

The most basic justification for IPR is that a person have expended effort into creation then will have a natural rights to own and control and benefit from what they have created. Owners of IPR who are not granted awards then these works may never be created at all. Lack of concern for the creator's creation this work, will result in a reduction in people who are willing create.

The IPR owner hopes that his possession will provide benefits economy as big as possible. ² To get economic value then rights can be transferred to someone else. IPR can be transferred by: which is common in the transfer of wealth, namely through inheritance, will; grant; agreement; or other reasons justified by Constitution. The transfer of rights does not eliminate rights owner to continue to include his name and identity in the documents documents relating to IPR, for example are included in certificates, Public Registers and Official Gazettes relating to the IPR.

Several things ² cause the owner not to use the rights ² The economy is that the cost of making the product is quite high. This can be done becomes a stumbling block for the owner to make this happen. The incentives provided by the government only apply to registration intellectual property rights while for the manufacture of products responsibility of each owner. This certainly needs to be addressed serious attention from the government because not all IPR owners have it the same economic capabilities even though in Article 17 paragraph 1 of the Law Number 14 of 2001 concerning Patents confirms that the holder The patent is obliged to make a product from the patent. Another thing is internal permission making a product that is quite difficult, competition is quite high, no the existence of institutions that facilitate and control the flow of wealth These intellectuals are made into products on the market.

Based on the explanation above, it can be studied that the reasons which causes the owner not to immediately get the benefits economic is because the owner does not use his economic rights he has. This can be caused by the cost of making the product quite high, product manufacturing permits are quite difficult, competition is high high, and the absence of institutions that facilitate and control. Some of these reasons are related to each other, namely if the owner already knows the economic rights he has but do not have sufficient financial capabilities and no also supported by authorized institutions for intellectual property only get legal protection and do not get economic benefits.

CONCLUSION

a. Conclusion

Based on the overall discussion of this research entitled Implications of Legal Protection for Intellectual Property Rights From the acquisition of economic benefits, two things can be concluded, namely:

1. Creative economy players should understand the importance of IPR in maintaining the originality of ideas. Intellectual Property Rights are a form of protection for ideas from creative industry players. By registering the "creative idea" with IPR, the idea owner does not need to worry about his idea being claimed by someone else. Different from the characteristics of industry in general, the creative economy industry (Ekraf) is included in the industrial group category which consists of various types of industry, each of which is related to the process of realizing an idea or ideas into intellectual property. Creative industries have high economic value for people's welfare and employment and can increase the economic growth of a country. IPR as a right to obtain legal protection has two characteristics, namely having a limited period of time and being exclusive and absolute. Copyright is protected for 50 years starting from the birth of a work and continues until 50 years after the creator dies (Article 34 of Law Number 19 of 2002 concerning Copyright) It is not enough for the existence of people's works of art to be measured only by aesthetics, sense fulfillment and sacredness, but must also be exploited economically which can foster copyright so that it can be enjoyed both morally and economically for all parties involved. There needs to be enlightenment for local communities to be able to know and understand the meaning, system and implementation of intellectual property rights, so that ultimately local communities can become perpetrators of intellectual property rights. All components

of the Indonesian nation must care, starting from the government, especially regional governments, universities, the private sector, non-governmental organizations and local communities themselves, working in synergy with each other, to help implement legal protection and understand the mechanisms for utilizing intellectual property rights. Apart from that, it is also necessary to strengthen evidence, and help from supporting institutions to encourage further improvement in the quality and quantity of creative works, as well as their marketing, which ultimately improves the economy of the nation, state and local communities.

2. The form of IPR legal protection for the owner is in exercise their rights, IPR owners are legally protected. Rights owned by the owner include the rights to use, produce, announce, reproduce, sell, import, export and grant licenses (permits) to other parties who wish to utilize them the intellectual property. License is permission granted by holder of Intellectual Property Rights to another party through an agreement based on the granting of rights (not transfer of rights) to enjoy the economic benefits of the intellectual property provided protection for a certain period of time and certain conditions. Law IPR laws as a preventive measure provide rights to IPR owners to prosecute civilly, criminally or administratively if this occurs violation. Sanctions against violators have also been stated in IPR Law.
3. The owner does not immediately receive economic benefits from the IPR ownership is because the owner of the IPR does not use the right the economy it has. This can be caused by many factors, for example the cost of producing intellectual property very high, permits in making products are quite difficult, competition which is quite high, there is no institution that facilitates and control that intellectual property is made into products in market. This reality certainly does not match what is expected of IPR legal protection is to obtain economic benefits.

b. Suggestion

Based on research on the Implications of Legal Protection Intellectual Property Rights on Obtaining Economic Benefits, then Suggestions that can be given are:

1. The government should provide convenience for internal owners product manufacturing licensing
IPR that will circulate in society.

2. In the event of a violation or dispute, the enforcement officer The law must be consistent in nature provide protection to the owner or IPR holder.
3. Companies should be involved in providing assistance for product manufacturing IPR, among others, through the Corporate program Social Responsibility so that it can provide economic benefits for owner.

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