

Legal Protection Regarding Intellectual Property Rights

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Abstract

Intellectual Property Rights (IPR) are rights that provide official protection to creators and inventors for their unique and creative works. Indonesian law regulates IPR, including patents, copyrights, trademarks, industrial designs, trade secrets, and geographical indications. Each type of IPR has distinct characteristics and protections, aimed at enabling rights holders to receive fair financial compensation and recognition for their works. Law No. 28 of 2014 on Copyright protects works of art, literature, and science; Law No. 13 of 2016 on Patents protects inventions in the field of technology; and Law No. 20 of 2016 on Trademarks and Geographical Indications protects distinctive signs for goods or services. In addition, there is also a comprehensive set of laws for various types of intellectual property regulated by Law No. 31 of 2000 on Industrial Designs, Law No. 30 of 2000 on Trade Secrets, Law No. 32 of 2000 on Integrated Circuit Layout Designs, and Law No. 29 of 2000 on Plant Variety Protection. These legal provisions not only ensure the protection of individual rights but are also aimed at fostering creativity and innovation in Indonesia.

Keywords: *Intellectual Property Rights (IPR), Law, IPR Protection*

1. INTRODUCTION

Intellectual Property Rights (IPR) are an important foundation supporting progress in various areas of modern life, including technology, culture, economics, and education. This protection covers various types of intellectual works, such as works of art, literature, technological inventions, trademarks, industrial designs, confidential information, and plant varieties.

The concept of IPR provides legal recognition to creators, inventors, or rights holders for their works, as well as granting exclusive rights to use, produce, or sell such works. In the field of technology and innovation, patents and copyrights play a crucial role in driving progress. Patents, for example, protect new inventions or technologies, encouraging researchers, scientists, and industry players to share their knowledge with the assurance of legal protection against unauthorized copying or exploitation.

With robust legal protection for intellectual property, an environment conducive to innovation and creativity can thrive. Intellectual property rights (IPR) not only function as a legal tool but also as a driver of knowledge-based economic growth, ensuring fairness for creators and consumers alike.

Intellectual property rights protection not only accelerates technological progress, but also supports healthy competition in the market. In the world of art and literature, copyright provides protection for creative works such as novels, music, films, and visual art.

This protection provides a real incentive for artists and writers to continue creating, as they feel secure that their creative output will not be easily misused or copied. In terms of the economy, IPR plays a crucial role in creating economic value. Trademarks protect the identity of a product or company, enabling consumers to easily distinguish between different products. This encourages manufacturers to maintain quality standards and build a solid reputation. On the other hand, industrial design protects the visual or aesthetic aspects of a product, which directly influences its market appeal and commercial value.

Furthermore, IPR protection is vital for preserving a country's intellectual property and encouraging foreign direct investment. Countries with strong and well-organized IPR protection systems are typically more attractive to global companies, as they provide legal certainty and guarantees for innovation—two elements highly valued in today's business world.

The Indonesian government has established several laws and regulations that form the legal basis for protecting intellectual property rights (IPR), including Law No. 28 of 2014 concerning Copyright, Law No. 13 of 2016 on Patents, and Law No. 20 of 2016 on Trademarks and Geographical Indications. These regulations aim to provide legal

protection for rights holders, foster an ecosystem that supports innovation and creativity, and enhance the competitiveness of the national industry in the era of globalization.

However, despite the existence of IPR regulations, their implementation and enforcement still face various challenges. Violations of intellectual property rights remain common, particularly in the areas of copyright, patents, trademarks, and industrial designs. One of the main challenges is the low level of public awareness and understanding of the importance of IPR protection from ethical, economic, and legal perspectives.

Additionally, there are deficiencies in the capacity of law enforcement agencies, the number of human resources specialized in IPR, and weak coordination among relevant institutions. This situation highlights the need for a more comprehensive approach, not only from a regulatory perspective but also through enhanced public education, training for law enforcement officials, and collaboration between the government, the business sector, and the public to raise collective awareness of the importance of valuing intellectual works.

Many businesses, especially in the micro, small, and medium enterprise (MSME) sector, are not fully aware that intellectual property rights (IPR) violations not only harm creators and rights holders, but also hinder innovation and overall economic growth. On the other hand, the enforcement of IPR violations in Indonesia still faces various challenges, such as slow legal processes, high enforcement costs, and a lack of consistency in the application of the law on the ground.

To address these issues, a more serious commitment and effort are needed from various parties, such as the government, law enforcement agencies, the business sector, and the general public. Continuous public education is crucial to raising awareness and understanding of the significance of IPR protection, especially among local businesses that have the potential to create innovative works.

As a result, IPR is expected to function optimally as a driver of knowledge-based economic growth in Indonesia. This article will discuss in detail the various types of IPR, the challenges faced in protecting them, as well as the prospects and future strategies for strengthening the IPR system in Indonesia.

This study provides a comprehensive explanation of the various types of intellectual property rights regulated by Indonesian law, obstacles to their protection, and opportunities and future plans to strengthen the intellectual property rights system as an important foundation for national economic development based on innovation and creativity.

2. LITERATURE REVIEW

Intellectual Property Rights in the Digital Age

Discussing the effects of digital technology advances on intellectual property rights protection in Indonesia. The increasingly rapid distribution of works through digital platforms also presents various legal issues such as digital piracy and copyright infringement between countries. They suggest the need to update regulations and enhance international cooperation in dealing with digital intellectual property rights violations.(Wulandari & Rizki, 2016)

The Role of Intellectual Property Rights in MSMEs

Convey the urgency of understanding IPR for micro, small, and medium enterprises in Indonesia. The results of the study indicate that the lack of awareness regarding the registration of copyrights, trademarks, or patents hinders the development and economic value of MSMEs. Education and legal support are considered very important to maximize the role of IPR in the development of the creative economy at the national level.(Giovani & Entoh, 2024).

Trademark and Patent Protection

Analyzing legal protection for trademarks and patents in the context of business law in Indonesia. This study shows that although regulations in Indonesia are quite comprehensive, the main challenges remain related to a lack of public awareness, a shortage of human resources in the legal field, and international regulations that are still not in line.(Ritonga et al., 2024).

Focusing on trademark protection methods in Indonesia based on Law No. 20 of 2016, they identified several challenges in the implementation of trademark law, such as first-to-file conflicts and suggestions to improve the effectiveness of protection by reforming the law and strengthening the registration system.(Sunarto et al., 2023).

Effectiveness of Intellectual Property Rights Enforcement

Studying the effectiveness of the patent dispute resolution system in Indonesia. Findings from the analysis indicate inefficiency and protracted legal proceedings, although court decisions are beginning to be seen as having a deterrent effect on intellectual property rights violations.(Aprilia et al., 2024).

Discussing the legal policy underlying the creation of Article 20 of Law No. 13 of 2016 concerning Patents, as well as domestic obstacles to attracting foreign investment and technology through the national patent system. This shows the friction between national protection and the openness brought about by globalization.(Politik et al., 2019).

Conducting comparative research on intellectual property rights systems in Indonesia and South Korea. They observed that although Indonesia has fairly good regulations, the main challenges lie in public education, the integration of national legal systems, and institutional support that is not yet fully optimal, unlike South Korea, which has a more efficient and organized system.(Salma et al., 2024).

Legal Basis for Intellectual Property Rights Protection in Indonesia

The Copyright Law, Patent Law, Trademark Law and Geographical Indications Law, Industrial Design Law, Trade Secrets Law, and Plant Variety Protection Law are the main legal basis for IPR protection in Indonesia. The duration and scope of protection are already determined, for example, copyright lasts for the lifetime of the creator plus 70 years, patents for 20 years, and trademarks for 10 years, which can be renewed

3. RESEARCH METHOD

This study adopts a descriptive-analytical approach to investigate legal protection aspects related to intellectual property rights (IPR). Using a descriptive-analytical approach, this study aims to explore in depth how legal regulations govern and protect IPR. The data collection methods in this study include analyzing official documents related to laws and regulations on IPR, reviewing literature such as scientific articles, books, and recent research reports on IPR, and conducting in-depth interviews with a number of stakeholders. The respondents interviewed include local government representatives involved in the implementation of IPR policies, community leaders with a deep understanding of the social and economic impacts of IPR protection, and academics with expertise in law and public policy related to IPR. The data obtained in this study is analyzed qualitatively to identify patterns, central themes, and relationships.

Interactions between variables that emerge from data collection. Qualitative methods provide researchers with the opportunity to explore a deeper understanding of the application of legal protection for intellectual property rights, its effects on innovation and the local economy, and the important role of intellectual property rights in enhancing the competitiveness of the national industrial sector. The findings of this study are expected to contribute to a better understanding of the effectiveness of legal regulations related to IPR in Indonesia and provide policy recommendations that can improve the protection and enforcement of IPR in the future.

Qualitative analysis is a research method that focuses on gaining a deeper understanding and interpretation of specific phenomena or issues. This approach does not merely seek answers to questions like “what” or “how many,” but rather focuses on ‘how’ and “why.” Typically, this approach is used in the social sciences, humanities, and other qualitative research fields to explore meaning, perception, and subjective experiences from the perspective of individuals or groups. Qualitative analysis methods include collecting data in the form of text, images, sound, or other materials related to the research. This data is then analyzed in depth through processes such as coding, categorization, pattern discovery, and interpretation to identify emerging results or patterns. Qualitative analysis is often inductive, where theories or conceptual frameworks

are developed based on the data obtained, allowing for broader exploration and deeper understanding of the analyzed context.

The main advantage of qualitative analysis lies in its ability to explore complex and contextual information from the perspective of participants or objects of study. This method also allows researchers to examine various social, cultural, and contextual dynamics that influence the phenomenon being studied. However, there are challenges in qualitative analysis, such as the researcher's subjectivity when interpreting data and difficulties in ensuring the reliability and validity of the analysis results. Overall, qualitative analysis makes a meaningful contribution to deepening our understanding of the complexity of the social and human world. With a careful and reflective approach, qualitative analysis can generate profound and valuable insights for the development of theory, policy, and practice across various fields of research and disciplines.

3. RESULTS AND DISCUSSION

A. Types of Intellectual Property Rights (IPR) in Indonesia

IPR is generally divided into two major categories, namely Copyright and Industrial Property Rights:

Copyright

Copyright is an exclusive right granted to creators to protect their works in the fields of science, art, and literature, including computer programs. Copyright protection includes the right to control how the work is used, such as in terms of reproduction, distribution, utilization, and adaptation. Products protected by copyright include books, songs, films, paintings, graphic designs, and software. In Indonesia, copyright is regulated by Law No. 28 of 2014 on Copyright.

Copyright provides legal authority to creators of intellectual works to protect their assets from unauthorized use or duplication. This not only provides financial compensation to creators for their works but also encourages the creation of new works through the provision of clear incentives. Copyright also plays a crucial role in preserving cultural diversity and fostering innovation across various sectors such as art, literature,

and technology. Despite the challenges posed by the digital world, making copyright protection increasingly complex, copyright remains essential and necessary to support intellectual and economic development in the modern era.

Patents

A patent is a special right granted by the state to inventors for new technological innovations that contain inventive elements and can be applied in the industrial sector. Patent rights give the owner special privileges to produce, utilize, sell, or distribute the innovative technology for a certain period of time, namely 20 years in Indonesia. Examples of innovations eligible for patenting include machines, tools, production processes, chemical compositions, and certain software.

In Indonesia, regulations regarding patent rights are outlined in Law No. 13 of 2016 on Patents. Patent rights are a form of legal protection intended for inventors for the technological innovations they have created or discovered. Patent rights grant the exclusive authority to the owner to control the production, use, and sale of their invention for a specific period, typically 20 years from the date of patent application.

Patent rights provide significant incentives for researchers and companies to invest funds in research and development of new technologies with the assurance that they will benefit from the innovations produced. In the context of today's intense global economic competition, patent rights play a crucial role in protecting intellectual property and driving technological advancements that benefit society as a whole.

Trademarks

A trademark is a symbol used to distinguish one seller's products or services from those of other sellers. A trademark grants its owner exclusive rights to use this symbol for business purposes and aims to create a recognizable identity and maintain the reputation of a particular product or service. Examples of trademarks include logos, product names, and slogans used in the promotion of products or services. In Indonesia, regulations regarding Trademark Rights are contained in Law Number 20 of 2016 concerning Trademarks and Geographical Indications. A trademark functions as an identity or symbol that distinguishes goods or services from those of other companies.

A trademark is not only composed of symbols or names, but also includes the reputation, values, and experiences associated with the product or service. A strong

trademark can influence consumer perception, build trust, and differentiate products from competitors in the market. The importance of a trademark lies in its ability to create customer loyalty, strengthen a company's position in the market, and enhance long-term value for the business. Therefore, effective trademark management is a key factor in marketing strategies and business development to ensure the success and sustainability of a company in a competitive market environment.

Industrial Design

Industrial design serves to protect the visual elements of products that have aesthetic appeal or new functions. This protection covers the shape, configuration, pattern, or ornamentation of goods that can be mass-produced. Examples of products that can be protected include furniture design, clothing, packaging, and vehicle accessories. The rules governing Industrial Design protection are outlined in Law No. 31 of 2000 on Industrial Design. Industrial Design is a process of designing consumer goods or products that takes into account aspects of beauty, function, comfort, and sustainability.

This design does not focus solely on appearance but also on how the product can be used efficiently and comfortably by its users. Industrial Design plays a crucial role in creating attractive, innovative, and market-appropriate products. In this process, it is important to identify the problems to be addressed, conduct market research to understand consumer preferences, and develop ideas that combine appropriate technology, materials, and production methods. Additionally, industrial design helps enhance a product's competitiveness in the international market by considering sustainability elements such as energy efficiency, the use of environmentally friendly materials, and longer product lifespan. Thus, Industrial design is not just about producing attractive products, but also aims to provide greater benefits for users, manufacturers, and the environment in general.

Geographical Indications

Geographical Indications are signs that indicate that a product originates from a specific location and has a quality, reputation, or unique characteristics that are generally closely related to that geographical origin. The purpose of protecting Geographical Indications is to prevent the misuse of geographical names and to provide legal protection for goods produced in a specific geographical area, such as Kintamani Coffee, Pangkajene Palm Sugar, or Pekalongan Batik. In Indonesia, regulations regarding Geographical

Indications are governed by Law No. 20 of 2016 on Trademarks and Geographical Indications.

Geographical indications serve as a mark identifying specific goods or products originating from a region with unique characteristics or qualities resulting from natural or human factors in that area. Discussions on geographical indications are not limited to the names of specific regions or locations but also encompass special attributes or reputations associated with their geographical origin. Geographical indications play a vital role in protecting traditional or distinctive products from counterfeiting or imitation, as well as adding value and recognizing the quality or special characteristics of the products in question.

In an increasingly interconnected global economy, geographical indications serve as a tool to enhance cultural diversity and preserve local identity. Geographical indications play a vital role in protecting traditional or distinctive products from fraud or counterfeiting, as well as adding value and recognition to the quality or special characteristics of the products in question. In an increasingly interconnected global economy, geographical indications serve as a tool to enhance cultural diversity and preserve local identity, while providing legal protection against unauthorized commercial exploitation. As such, geographical indications are a crucial tool for preserving cultural heritage, protecting the interests of local producers, and supporting fair and sustainable trade.

Trade Secrets

Trade secrets are business information that is kept confidential and has economic value because it is not known to the public or competitors. The owner also takes appropriate steps to keep this information confidential. Trade secret protection covers various things such as recipes, formulas, production methods, marketing strategies, and other business data that provide a competitive advantage. Law No. 30 of 2000 regulates the protection of trade secrets. Trade secrets encompass information or data of economic value that is kept confidential and unknown to the public or competitors.

This information may include formulas, production techniques, business operations, or other data that provides an advantage to the owner. Trade secrets can be an important asset for a company because they provide an advantage in a competitive

market. Protection of trade secrets aims to maintain the confidentiality of information through confidentiality agreements, internal company policies, and legal action in the event of a breach. The existence of trade secrets encourages companies to innovate and create new products or services without having to share such information with the public.

This can enhance a company's competitiveness and help it remain relevant in a rapidly changing market. However, managing trade secrets presents challenges, such as the risk of information leaks or theft by unauthorized parties. Therefore, effective protection of trade secrets is essential in risk management and business sustainability strategies.

Integrated Circuit Layout (ICL)

Integrated Circuit Layout Design (ICL) provides protection for the layout design of electronic circuits integrated within semiconductors. The purpose of ICL protection is to prevent unauthorized duplication or illegal commercial use of these layout designs. Examples of designs protected by DTLST include computer chip designs, microprocessors, and other integrated circuits.

In Indonesia, regulations regarding DTLST protection are based on Law No. 8 of 2019 concerning Integrated Circuit Layout Design. Integrated Circuit Layout Design (ICLD) relates to the physical arrangement of complex integrated circuits (ICs). This layout design includes the placement and interconnection of electronic components, such as transistors, resistors, capacitors, and interconnection paths on a silicon substrate or other semiconductor material. DTLST plays a very important role in IC development as it directly impacts the performance, reliability, and efficiency of the circuit.

This design process encompasses various methods to improve circuit performance, reduce power consumption, minimize signal interference, and address the thermal and mechanical aspects of IC devices. In addition to technical considerations, layout design also takes into account elements such as manufacturing costs, development time, and compatibility with existing production technologies.

As semiconductor technology advances, integrated circuit layout design continues to evolve to meet the demand for smaller, faster, and more energy-efficient circuits. Overall, DTLST not only focuses on the physical placement of electronic components on

the chip but also encompasses a comprehensive strategy to enhance the performance and reliability of electronic circuits, which form the foundation of modern electronic devices.

B. Challenges and Future Prospects for Intellectual Property Rights Protection in Indonesia

Amidst technological advances and economic growth, intellectual property rights protection in Indonesia faces various problems. The main problems include low public awareness of intellectual property rights, inadequate law enforcement, and limited human resources and infrastructure. In addition, rapid technological developments have also created new challenges in protecting intellectual property rights.

Facing significant challenges in line with technological advances and economic development. One of the main challenges faced is the lack of public understanding of the importance of intellectual property rights. Many groups are still unaware of their rights to their own intellectual property, such as copyrights, patents, trademarks, and geographical indications. This lack of awareness can lead to the misuse or infringement of rights by others without their knowledge. In addition to public awareness, the enforcement of laws related to IPR infringements in Indonesia also faces challenges that have not been optimally addressed. Although there are laws in place to protect IPR, their implementation often faces obstacles in terms of monitoring, enforcement, and effective dispute resolution.

There are many reasons why this could happen, such as a lack of trained personnel and insufficient facilities to properly handle intellectual property rights violations. The rapid advancement of technology also brings new challenges to protecting these rights. As it becomes easier for people to upload and access digital content, the risk of piracy or copyright infringement increases. Additionally, there are other issues such as counterfeiting of goods or brands through the internet, which pose a significant challenge in protecting the rights of the original owners.

IPR protection is an important system that supports innovation, creativity, and economic protection. However, there is still much room for improvement in IPR protection around the world, including in Indonesia. To address this issue, the government

and other stakeholders need to work together to improve public understanding of IPR through education and effective campaigns.

It is also necessary to improve the quality of human resources and provide adequate facilities so that law enforcement in cases of intellectual property rights (IPR) violations can be carried out effectively. The use of technology is also crucial for the future of IPR protection. Technology can help improve how we manage IPR, such as in storing data, monitoring, and detecting violations more quickly. Utilizing digital platforms and other information technology tools can make the process of handling IPR cases more transparent and accountable. In addition, aligning IPR regulations with international standards is also a crucial step in supporting the advancement of IPR protection worldwide. By following international standards, Indonesia can strengthen its position in the global economic community and provide better protection for the rights of IPR owners from other countries who wish to invest or operate in Indonesia. There are several major benefits to having Intellectual Property Rights (IPR) protection.

Overall, intellectual property rights protection not only provides economic benefits to rights holders, but also supports innovation, economic sustainability, cultural preservation, and international cooperation. In essence, protecting intellectual property rights not only provides monetary benefits to rights holders, but also helps create new ideas, maintain economic growth, preserve culture, and collaborate with other countries.

This makes intellectual property rights protection an important aspect in building an innovative, competitive, and equitable society. Therefore, safeguarding these rights is crucial for creating a creative, competitive, and fair society. With strategic implementation and collaboration between the government, industry, academia, and civil society, the future prospects for intellectual property rights protection in Indonesia appear promising. If the government, companies, universities, and society work together with a well-thought-out plan, the future of intellectual property rights protection in Indonesia looks very positive.

4. CONCLUSION

This study shows that intellectual property rights are a very important tool for innovation and creativity in Indonesia. With the existing regulations, this protection not

only safeguards the rights of individuals but also provides an incentive to develop the economy and industry in a sustainable manner. By addressing existing issues and improving understanding and enforcement capabilities, Indonesia can maximize the potential of intellectual property rights to support sustainable and competitive economic growth. Intellectual property rights provide the recognition that creators, inventors, or innovators deserve for their works or creative outputs.

This is not only morally fair, but also practically encourages individuals and companies to invest in research and development. By guaranteeing protection for their investments, IPR provides assurance that their innovative results will not be easily misused or abused by other parties without permission. IPR can serve as an instrument to expand the market share for innovative Indonesian products. By having exclusive rights to certain products or technologies, companies can more easily attract investment, both domestically and internationally. This directly supports national economic growth and creates new jobs.

To maximize the benefits of intellectual property rights (IPR) so that they can support sustainable economic growth and competitiveness, strong support from all relevant parties is needed. The government can assist by implementing more open and progressive policies regarding IPR, while companies and individuals must also comply with IPR regulations and help create a better innovation environment. IPR is not just about legal protection, but also about fostering an environment where innovation and creativity are valued and encouraged. By leveraging the potential of IPR, Indonesia can strengthen its position on the global economic map through the creation of value-added products based on knowledge and technology.

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