



Law Enforcement of Patent Rights in Indonesia in Decree Number 25 PK/Pdt.Sus-HKI/2015 Jo. Decree Number 295 K/Pdt.Sus-HaKI/2013 Jo. Decree Number 53/Paten/2012/PN.Niaga. Jkt. Pst

Elisa

Faculty of Law, Lampung University, Indonesia

<http://dx.doi.org/10.18415/ijmmu.v10i5.4641>

Abstract

The nature of Intellectual Property Rights is vulnerable to violations so protection is urgently needed. In principle, IPR legal protection contains recognition of said IPR, rights that within a certain period of time enjoy or exploit these assets, can only enjoy or exploit these rights with the permission or license of the right owner, because protection and recognition can only be given specifically or exclusively to the party owning the intellectual property. The formulation of the problem in this study is how is the position of patent enforcement cases in Indonesia in Decision No. 25 PK/Pdt.Sus-HKI/2015 jo. Decision Number 295 K/Pdt.Sus-HaKI/2013 jo. Decision Number 53/Paten/2012/PN.Niaga.Jkt. Pst? (2) How is the analysis of Decision Number 25 PK/Pdt Sus-HKI/2015 jo. Decision Number 295 K/PdtSus-HaKI/2013 Junto Decision Number 53/Paten/2012/PN NiagaJktPst? The method used is descriptive qualitative, data sources obtained from books, articles, decisions, and laws. The results of this study are that there are many violations of intellectual property ownership in Indonesia and these violations become disputes either filed in court or resolved out of court. The Commercial Court has the authority to examine and decide on other cases in the field of commerce which are determined by law, including those in the field of IPR, especially patents. The procedural law used is lex specialist. In Decision Number 53/Paten/2012/PN.Niaga.Jkt. Pst. dated March 13, 2013, the Commercial Court at the Central Jakarta District Court rejected the Plaintiff's claim. However, at the cassation level, the decision was canceled by the Supreme Court of the Republic of Indonesia through Decision Number 295 K/Pdt.Sus-HaKI/2013 dated 5 September 2013 and then in line with Decision Number 25 PK/Pdt.Sus-HKI/2015 dated 29 May 2015 at the Review level. It can be concluded from the a quo decision, namely that an essential element in obtaining a patent is "the element of novelty of the invention".

Keywords: *Law Enforcement; Patents; Intellectual Property Rights*

Introduction

Issues regarding Intellectual Property Rights (hereinafter referred to as IPR) cannot be separated from economic problems, because IPR is synonymous with the commercialization of intellectual works [1]. The commercialization of intellectual property is actually not a new thing for the Indonesian state, because Indonesia has known IPR since the Dutch colonial era. Legislation in the field of IPR in

Indonesia has existed since the 1840s. The Dutch colonial government introduced a law which was later called the first law regarding the protection of IPR in 1844. Subsequently, the Dutch Government enacted the Trademark Law (1885), the Patent Law (1910), and the Copyright Law (1912) [2]. Indonesia has implemented the Patent Law through the Industriële Eigendom regulation 1912 which legitimizes the implementation of patents, brands and designs with reference to similar regulations that occurred in the Netherlands [3].

Rules regarding patents, especially in Indonesia, can be found in several international conventions. The Paris Convention for the Protection of Industrial Property, which was ratified by Decree of the President of the Republic of Indonesia Number 24 of 1979 and amended by Decree of the President of the Republic of Indonesia Number 15 of 1997, is the oldest convention on patent rights. This convention generally regulates the intellectual property rights of a country which allows for the same level of protection and legal solutions regarding intellectual property infringements. Indonesia has also ratified the Patent Cooperation Treaty (PCT), which is part of World Intellectual Property Organization (WIPO) through the Decree of the President of the Republic Indonesia Number 16 of 1997 [4].

The most influential history of IPR in Indonesia stems from the cooperation of the General Agreement on Tariffs and Trade (GATT) which is international cooperation in the field of world trade which is also part of the development of IPR law. This GATT includes the United Nations organization and its goal is to protect the balance of interests between member countries in international trade relations [5]. In the last GATT agenda there were 15 things that became topics or subjects in the negotiation agenda, one of which was about Trade Related Aspects of Intellectual Property Rights including Trade in Counterfeit Goods/TRIPs (trade aspects related to IPR). The TRIPs agreement consists of 73 articles divided into 7 chapters [6]. Finally, with the completion of the Uruguay Round on December 15, 1993, the formation of the World Trade Organization (WTO) was also accepted, in the form of The Agreement Establishing the Multilateral Trade Organization or the World Trade Organization [7].

Indonesia is one of the countries that ratified the Agreement of Establishing the World Trade Organization (WTO agreement) through Law Number 7 Year 1994 on November 2, 1994. The logical consequence of Indonesia's participation as a member of the WTO is the emergence of an obligation to harmonize national legal provisions with WTO provisions, including regarding the concept of IPR, as stated in TRIPs [8]. The TRIPs regime has become a pioneer for positive law on IPR in Indonesia, one of which concerns patents.

After some time, Law Number 6 of 1989 was revised for the first time by Law Number 13 of 1997 concerning Amendments to Law Number 6 of 1989 concerning Patents, which took effect on May 7, 1997. Apart from making improvements to various provisions that are felt to provide insufficient legal protection for inventors, have also made adjustments to the TRIPs Agreement. Subsequently, improvements and additions were made to Law Number 14 of 2001 concerning Patents and deletion of several provisions in the old Patent Law which were considered inconsistent with the TRIPs agreement, for example provisions relating to delays in granting patents and the scope of exclusive rights of patent holders. 9].

The dynamics of needs that are growing very, very rapidly and quickly have prompted the Government to pass Law Number 13 of 2016 concerning Patents which revises the previous law to meet domestic patent needs. In the field of technology, there has been a very fast and rapid development. Along with the rapid development of the times, behind the increasingly adequate technology there are inventors who continue to innovate in creating inventions. Technology is born from intellectual works that have economic value which can become objects of property. In legal science, these IPRs are recognized as intangible property rights [10].

The nature of IPR is vulnerable to violations so that protection is needed [11]. In principle, IPR legal protection contains recognition of said IPR, rights that within a certain period of time enjoy or

exploit these assets, can only enjoy or exploit these rights with the permission or license of the right owner, because protection and recognition can only be given specifically or exclusively to parties who own the intellectual property [12].

Patents are exclusive rights granted by the state to inventors for their inventions in the field of technology for a certain period of time, carry out the invention themselves or give approval to other parties to implement them. Invention is an inventor's idea that is translated into a specific problem-solving activity in the field of technology in the form of a product or process, or improvement and development of a product or process. Meanwhile, an inventor is a person or several people who jointly carry out ideas that are poured into activities that produce inventions [13]. Legal protection for patents is obtained through a registration system, namely in this case the constitutive system is adopted [14]

Violations of intellectual property ownership are common in Indonesia and these violations become disputes either filed in court or resolved out of court [15]. Settlement of disputes through court institutions can be carried out through general courts, namely by civil or criminal channels or also by submitting a bankruptcy application and suspending debt payment obligations through the Commercial Court [16]. Next, we will analyze cases of enforcement of patent rights in Indonesia in Decision Number 25 PK/Pdt.Sus-HKI/2015 jo. Decision Number 295 K/Pdt.Sus-HaKI/2013 jo. Decision Number 53/Paten/2012/PN.Niaga.Jkt.Pst. Based on the background described above, the main issues can be formulated as follows: What is the position of the patent enforcement case in Indonesia in Decision Number 25 PK/Pdt.Sus-HKI/2015 jo. Decision Number 295 K/Pdt.Sus-HaKI/2013 jo. Decision Number 53/Paten/2012/PN.Niaga.Jkt.Pst? How is the analysis of Decision Number 25 PK/Pdt.Sus-HKI/2015 jo. Decision Number 295 K/Pdt.Sus-HaKI/2013 jo. Decision Number 53/Paten/2012/PN.Niaga.Jkt.Pst?

Method

The method used is normative research method and decision approach. Normative Juridical Approach, namely an approach by examining the rules, norms, norms, rules related to the problem to be studied. This approach is intended to collect various kinds of laws and regulations, theories and literature that are closely related to patents. The data collection used in this study is a literature study procedure

Results and Discussion

1. The Case for the Position of Patent Enforcement in Indonesia in Decision Number 25 PK/Pdt.Sus-HKI/2015 jo. Decision Number 295 K/Pdt.Sus-HaKI/2013 jo. Decision Number 53/Paten/2012/PN.Niaga.Jkt.Pst

The a quo case is a lawsuit filed by Plaintiff Djaka Agustina which principally contains the cancellation of a Simple Patent with Patent number ID S0001118 with the title "Water Reservoir" on behalf of Defendant Tan Suryanto Jaya with the patent receipt date of 8 June 2010. The plaintiff is the Director of CV Kober Industri Plastics who are the holders of the "Bathtub" Industrial Design certificate with Registration Numbers ID 0 031 805-0 and ID 031 806-D. Starting on the 25th October 2009 The Plaintiff entered into a contract for an order for "Bathtub" goods with Taizho Tiantou Industry & Trade Co., Ltd and it was shipped via Xiamen Jeward Imp. & Exp. Co., Ltd, whereupon the Plaintiff entered into a sales contract with the import-export company that delivered the Tub on the 22nd November 2009.

In 2011, the Plaintiff received Subpoena I and Subpoena II from the Defendant, respectively on September 19, 2011 and October 12, 2011, based on the Application for Industrial Design Registration and Patent Registration. Subsequently, the Plaintiff again received Subpoena I and Subpoena II from the Defendant, respectively on June 21 and 30 2011, based on the certificate of Industrial Design "Plastic Bathtub" Number ID 0 026 208-D and ID 0 026 209-D as well as a Patent certificate ID number 5001118.

Then on July 4 2012 the Plaintiff answered the subpoena stating that the Defendant's "Plastic Bathtub" product was different from his product.

"Plastic Bath Tub" claimed by the Defendant, namely the body cover which was removed, above the body cover which has a tongue and the lower part of the Bathtub body cover which has a lock which was registered by the Defendant on June 8 2010, not has an element of Novelty, because it was already produced by Taizho Tiantou Industry & Trade Co., Ltd and ordered by the Plaintiff through a goods order contract dated October 25, 2009 and a product brochure published in 2008. Therefore, the Plaintiff filed a patent cancellation lawsuit through the Commercial Court at the Central Jakarta District Court.

Against this lawsuit the Commercial Court at the Central Jakarta District Court has handed down Decision Number 53/Paten/2012/PN.Niaga.Jkt.Pst. dated March 13, 2013 which rejected the Plaintiff's claim in its entirety. It didn't end there, the decision was annulled by the Supreme Court of the Republic of Indonesia at the cassation level through Decision Number 295 K/Pdt.Sus-HaKI/2013 dated September 5 2013 and then the Cassation Council tried itself with the complete verdict as follows:

In Exception:

- Rejecting all Co-Defendant Exceptions; In the Principal Case:

- 1) Granted the Plaintiff's lawsuit in its entirety;
- 2) Declare the Plaintiff as an interested party to file a lawsuit for cancellation of a simple patent with Patent number ID S0001118 entitled "Water Storage Tank" in the name of Tan Suryanto Jaya, with the patent filing date of 8 June 2010;
- 3) Declare that the simple patent registered by the Defendant on 8 June 2010 with ID Number S0001118 has no element of novelty;
- 4) Canceled a simple patent with Patent number ID S0001118 with the title "Water Storage Tank" in the name of Tan Suryanto Jaya, with patent filing date 8 June 2010;
- 5) Ordered Co-Defendant to submit to and comply with the Court's decision in this case and carry out the cancellation of the simple patent certificate with Patent number ID S0001118 with the title "Water Reservoir" in the name of Tan Suryanto Jaya, with the patent receipt date 8 June 2010, record and announce regarding the cancellation of said simple patent; In Recommendations

- Declare the counterclaim is unacceptable

Punish the Defendant for Cassation I/Petitioner for Cassation II/Defendant to pay the costs of the case at all levels of the judiciary, which at the cassation level is Rp. 5,000,000.00 (five million rupiahs); In the end, the Supreme Court of the Republic of Indonesia rejected the Defendant's request for judicial review through Decision Number 25 PK/Pdt.Sus-HKI/2015 dated 29 May 2015.

2. Analysis of Decision Number 25 PK/Pdt.Sus-HKI/2015 jo. Decision Number 295 K/Pdt.Sus-HaKI/2013 jo. Decision Number 53/Paten/2012/PN.Niaga.Jkt.Pst

Before further analyzing the a quo Decision, the competence of the Commercial Court will be discussed first. Pursuant to the provisions of Article 300 paragraph (3) of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Obligations for Payment of Debt, it stipulates that the Commercial Court also has the authority to examine and decide on other cases in the field of commerce whose stipulations are made by law. So far, the expansion of the powers of the Commercial Court has only touched on IPR issues. The issue of IPR is indeed of great concern to the government and foreign/foreign parties. IPR is a right resulting from the activities of the human mind in the fields of industry, science, literature or art. Several laws regarding IPR have been made. In 2000 Law No. 31 of 2000 concerning Industrial Design was promulgated, and Law No. 32 of 2000 concerning Layout Designs of Integrated Circuits, which allocated part of the proceedings to the Commercial Court. Likewise, Law

Number 13 of 2016 concerning Patents and Law Number 20 of 2016 concerning Trademarks and Geographical Indications, as well as Law Number 28 of 2014 concerning Copyright states that the settlement of IPR is carried out by the Commercial Court [19] Judiciary or a commercial court was established in 1998 in Central Jakarta [20]

The procedural law is lex specialist in each law in the field of IPR, as follows [21]

- 1) Must meet the standards of civil procedural law regulated in TRIPS Agreement;
- 2) Claims and Requests for Cancellation of a certain type of IPR become the authority Commercial Court;
- 3) Criminal violations against IPR remain the authority of the District Court;
- 4) The forms of unlawful acts in the field of IPR have been implicitly formulated in each of the laws;
- 5) The inspection period is limited to 60-90 days, depending on the field of IPR being sued;
- 6) Not knowing the appeal to the High Court, the parties who are dissatisfied with the District Court judge's decision can immediately appeal to the Supreme Court; And
- 7) There is an ex parte procedure, in the form of a preliminary action before the lawsuit is filed without the knowledge of the Defendant, referred to as a "temporary determination" by the court, regulated in SEMA Number 5 of 2012.

Within IPR there is a grouping consisting of Copy Rights and Industrial Property Rights. Based on the Convention Establishing The World Intellectual Property Organization, industrial property rights are classified into patents, models and utility models or known in Indonesian law as simple patents, industrial designs, trademarks. trade marks, trade names or trade names, indication of source or appellation of origin. Based on the WTO/TRIPs, there are 2 more areas that need to be added, namely the protection of new varieties of plants and circuit layout design Integrated (DTLST) [22].

There are 2 types of patent classification, namely ordinary patents and simple patents. An ordinary patent is a patent that has gone through in-depth research or development with more than one claim. Simple patents are patents that do not require in-depth research or development and contain only one claim [23]. The a quo case is a lawsuit filed by Plaintiff Djaka Agustina which principally contains the cancellation of a Simple Patent with Patent number ID S0001118 entitled "Water Storage Tank" in the name of Defendant Tan Suryanto Jaya with the patent filing date of 8 June 2010.

Patent protection of a country cannot be separated from the registration system adopted by that country. There are 2 known patent systems so far, namely: first to file and first to invent. Indonesia itself uses the first to file system which is stated in Article 11 of the Patent Law which states that unless proven otherwise, a party deemed to be an Inventor is a person or several persons who are declared as an Inventor for the first time in an Application. The intended patent application is granted to an inventor or a party who receives further rights from an inventor whose invention meets the requirements for patent protection, namely, has a novelty value, contains an inventive step, and can be applied in industry [24].

The a quo decision used the old patent law, namely Law Number 14 of 2001 concerning Patents, because the a quo case was filed before Law Number 13 of 2016 concerning Patents was issued by the government. In Decision Number 53/Paten/2012/PN.Niaga.Jkt. Pst. dated March 13, 2013, the Commercial Court at the Central Jakarta District Court rejected the Plaintiff's claim. According to the consideration of the Panel of Judges, the Defendant is entitled to exclusive rights from the state as an inventor because a substantive examination has been carried out by the Co-Defendant especially regarding novelty, in addition to that an announcement has been made on the registration of the Defendant's Simple Patent and no party objected to the announcement.

Novelty means novelty and is the sine qua non of every invention. Novelty here has an ambiguous meaning and includes both subjective and objective aspects. The basic question from Novelty here is that the invention is "new" seen from what perspective? Subjectively, the answer to this question is

that an invention can be said to be "new" if the experts in the relevant field of invention cannot anticipate the invention. On the other hand, an invention is objectively said to be "new" when the invention cannot be anticipated by prior art. Prior art here is defined as an invention that existed before, not previously unknown. Invention itself is defined as an inventor's idea that is poured into a specific problem-solving activity in the field of technology which can be in the form of a product or process, or improvement and development of a product or process [25].

In the case of determining the element of novelty, the legal provisions stipulated in the patent law in Indonesia can be further questioned, namely regarding how to determine the novelty of a simple patent. In this context, the problem of determining novelty in simple patents for which patents are registered often becomes a point of contact in various disputes that have arisen in patent lawsuits against an invention [26]. One of the things stated in the a quo decision, Cassation Appellant I/Respondent of Cassation II/Plaintiff consistently in the posita lawsuit and the cassation memory argued that the patent certificate of the Defendant/Defendant Cassation did not have an element of novelty, because based on the documentary evidence and witnesses at trial it turned out that previously on the market and the technology had been disclosed before the Defendant/Cassation Defendant I/Cassation Petitioner II registered the simple patent. The plaintiff has submitted documentary evidence in the form of a Statement from the President Director of Taizhou Tianyou Industry & Trade. Co. Ltd. (P-3D) and Technical Drawings/Blue Prints for 2008 and 2009 belonging to other people (P-3A and P-7B).

At the legal action stage, the Supreme Court of the Republic of Indonesia through Decision Number 295 K/Pdt.Sus-HaKI/2013 dated 5 September 2013 granted the cassation request from Cassation Appellant I/Respondent of Cassation II/Plaintiff and annulled the Commercial Court Decision at the Central Jakarta District Court Number 53 /Paten/2012/PN.Niaga.Jkt.Pst. dated March 13, 2013, with the consideration that the Commercial Court at the Central Jakarta District Court has wrongly applied the law with the following considerations:

- 1) Whereas an essential element in obtaining a patent is "the element of novelty of the invention";
- 2) Whereas the registration of a "simple patent" which was carried out by Cassation II Appellant/Cassation Respondent I/Defendant, in 2010, was previously in 2008 and 2009 in accordance with P3-D evidence which among other things "stated that the factory in China (Taizhou Tian You Industry & Trade Co., Ltd.) has made a mold for a bathtub whose cover can be opened to fulfill another company's order, just like a simple patent registered by Appeal II/Cassation Respondent I/Defendant;
- 3) This proves that there is no element of novelty in the invention registered by Cassation Appellant II/Cassation Respondent I/Defendant because it was previously made by another party.

After that, the Defendant filed a judicial review, the Supreme Court of the Republic of Indonesia rejected the Defendant's request for judicial review through Decision Number 25 PK/Pdt.Sus-HKI/2015 dated 29 May 2015 with the consideration that there was a difference of opinion between the Applicant for Judicial Review and Judex Juris regarding the element of novelty in the patent owned by the Defendant/Applicant for Judicial Review, which discrepancy is not an oversight by the Judge or a real mistake. Thus the decision of the Supreme Court in this case is not contrary to law and/or laws.

Conclusion

1. Indonesia is one of the countries that ratified the Agreement of Establishing the World Trade Organization (WTO agreement) through Act No. 7 of the year 1994 on November 2, 1994. The consequence is that there is an obligation to aligning national legal provisions with WTO provisions, including regarding the concept of IPR, as contained in the TRIPS. Patents are exclusive rights granted by the state to inventors for their inventions in the field of technology for

a certain period of time, carry out the invention themselves or give approval to other parties to implement them. Violations against intellectual property ownership are common in Indonesia and these violations become disputes whether filed in court or resolved out of court. The Commercial Court has the authority to examine and decide on other cases in the field of commerce which are determined by law, including those in the field of IPR, especially patents. The procedural law used is *lex specialist*. In the discussion section, cases of patent enforcement in Indonesia have been analyzed in Decision Number 25 PK/Pdt.Sus-HKI/2015 jo. Decision Number 295 K/Pdt.Sus-HaKI/2013 jo. Decision Number 53/Paten/2012/PN.Niaga.Jkt.Pst.

2. The *a quo* case is a lawsuit filed by Plaintiff Djaka Agustina which principally contains the cancellation of a Simple Patent with Patent ID S0001118 entitled "Water Storage Tank" in the name of Defendant Tan Suryanto Jaya with the patent receipt date of 8 June 2010. The *a quo* decision uses statutory regulations -The old law on patent rights, namely Law Number 14 of 2001 concerning Patents. In Decision Number 53/Paten/2012/PN.Niaga.Jkt.Pst. 13th In March 2013, the Commercial Court at the Central Jakarta District Court rejected the Plaintiff's claim. However, at the cassation level, the decision was canceled by the Supreme Court of the Republic of Indonesia through Decision Number 295 K/Pdt.Sus-HaKI/2013 dated 5 September 2013 was then in line with Decision Number 25 PK/Pdt.Sus-HKI/2015 dated May 29 2015 at the Judicial Review level. It can be concluded from the *a quo* decision, namely that an essential element in obtaining a patent is "element novelty of the invention".

References

1. Henry Donald Lbn. Toruan, *Intellectual Property Rights Dispute Resolution through Quick Events, Legal and Human Rights Research and Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, Jakarta, (2017), p. 1.*
2. Rani Pajrin, "Small Claim Court (SCC) Principles in Resolving Intellectual Property Rights Disputes in Indonesia (Focus on Study of Brand Rights and Copyrights)," *Journal of Widya Pranata Hukum, Vol. 1, No. 2 (2019): p. 163-175. DOI: <https://doi.org/10.37631/widyapranata.v1i2.47>.*
3. Insan Budi Maulana, "Application of Patents Since the Patent Law No. 6 of (1989) to Patent Law no. 13 of 1997: Indonesia's Experience So Far", *Journal of Law, No. 12 Vols. 6 (1999): p. 1-16. DOI: <https://doi.org/10.20885/iustum.vol6.iss12.art1>.*
4. Rignaldo Ricky Wowiling, "Patent Law Enforcement According to the TRIPS Agreement and Its Implementation in Indonesia," *Lex Crimen, Vol. VI, No. 10, (2017): p. 85-91. <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/18874>.*
5. Sudargo Gautama, *Indonesian Intellectual Property Rights and International Agreements: TRIPS, GATT, Uruguay Round (Bandung: PT. Citra Aditya Bakti, 1994), 2.*
6. Rignaldo Ricky Wowiling, *Op. cit.*
7. Sudargo Gautama, *Op. cit.*
8. Abdul Bari Azed, *Compilation of International Intellectual Property Rights Conventions Ratified by Indonesia (Jakarta: Directorate General of Intellectual Property Rights, Ministry of Law and Human Rights in collaboration with the Issuing Board of the Faculty of Law, University of Indonesia, 2006), p.15.*

9. Pipin Syarifin & Dedah Jubaedah, *Regulation of Intellectual Property Rights in Indonesia* (Bandung: Pustaka Bani Quraisy, 2004), 126.
10. H.OK. Saidin, *Legal Aspects of Intellectual Property Rights*, (Jakarta: PT Raja Grafindo Persada, 2007), p. 146.
11. Khaerudin, A. K., "IPR Audit as a Means of Preventing IPR Violations by Small Industry Actors," *Serambi Hukum*, Vol. 8, No. 2, (2015): p. 103-122. <https://media.neliti.com/media/publications/23096-ID-audit-hki-as-sarana-penprevention-pelanggaran-hki-oleh-pelaku-industri-small.pdf>.
12. Dewi Sulistianingsih, "Problematics and Characteristics of Intellectual Property Dispute Resolution Through the Indonesian National Arbitration Board," *QISTIE Scientific Journal of Law*, Vol. 12 No. 2 (2019): p. 166-177. DOI: <http://dx.doi.org/10.31942/jqi.v12i2.3135>.
13. Republic of Indonesia, Law on Patents, Law Number 13 of (2016), Article 1 point (1).
14. Muhammad Djumhana and Djubaedillah, 2003, *Intellectual Property Rights: History, Theory and Practice in Indonesia*, Bandung: PT. Citra Aditya Bakti, p. 141.
15. Dewi Sulistianingsih, *Op. cit.*
16. Jerry Vicky Mawu, "Patent Dispute Resolution according to Law Number 13 of (2016) concerning Patents," *Lex et Societatis*, Vol. V, No. 7 (2017): p. 71-78. DOI: <https://doi.org/10.35796/les.v5i7.18091>.
17. Directory of Rulings of the Supreme Court of the Republic of Indonesia, "Decision of the Supreme Court 25 PK/PDT.SUS-HKI/2015" <https://decision3.mahkamahagung.go.id/direktori/decision/8847c99b7b5c97c6d86b679fae275d8c.html> accessed 18 July (2021).
18. Directory of Rulings of the Supreme Court of the Republic of Indonesia, "Decision of the Supreme Court 295 K/PDT.SUS-HAKI/2013" <https://decision3.mahkamahagung.go.id/direktori/decision/1485853521eb1f66f3adb92c2487b381.html> accessed 18 July (2021).
19. Rani Pajrin, *Op. cit.*
20. I Gede Febryan Karwur, "Legal Arrangements regarding Authorities and Settlement Procedures.
21. Disputes in the Field of Intellectual Property Rights (IPR)," *Lex Privatum*, Vol. VI No. 8 (2018), p. 90-101 <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/22864>.
22. Center for Judicial Technical Education and Training of the Supreme Court of the Republic of Indonesia, "Introduction to Special Civil Cases in the Education and Training Module Phase 3 of the General Court Integrated Judge Candidate Education and Training Program," <https://e-learning.mahkamahagung.go.id/course/view.php?id=1364§ion=14> accessed 18 July (2021).
23. H.OK. Saidin, *Op. Cit.*, p. 13-15.

24. Mochammad Bambang Ribowo, Kholis Roisah, "Legal Protection of Simple Patents in the Patent Law System in Indonesia (Comparative Study with the Patent Law System in China)," *Notarius*, Vol. 12 No. 1 (2019): p. 42-60. DOI: <https://doi.org/10.14710/nts.v12i1.23761>.
25. Rignaldo Ricky Wowiling, *Op. cit.*
26. Riko Fajar Romadhon, M. Fathan Nautika, "Patent Doctrine in Apple's Dispute Against Samsung Study of the Hague Court Decision 396057/KG ZA 11-730 Patent Doctrinesin The Apple Vs Samsung Dispute An Analysis on the Den Haag Court Number 396057/KG ZA 11- 730," *Judicial Journal*, Vol. 5 No. 3 (2012): 316-330 DOI: <http://dx.doi.org/10.29123/jy.v5i3.127>.
27. Mochammad Bambang Ribowo, Kholis Roisah, *Op. cit.*

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).