DOI: 10.18843/rwjasc/v7i2(1)/11

 $DOI\ URL: \underline{http://dx.doi.org/10.18843/rwjasc/v7i2(1)/11}$

IMPLEMENTATION OF INTELLECTUAL PROPERTY RIGHTS IN THE DEVELOPMENT OF SMALL AND MEDIUM ENTERPRISES IN INDONESIA

Gunarso,

Budi Agus Riswandi,

Institute of Economic Science of Isti Ekatana Upaweda Yogyakarta, Indonesia Faculty of Law of Islamic University Yogyakarta, Indonesia

ABSTRACT

Intellectual property rights or abbreviated IPR is a legal instrument that is very strategic in protecting the products of SMEs. In fact, IPR not only has the function of protecting the products of SMEs, but it can also encourage the business development activities of SMEs. However, there are some problems that arise and need right solution in practice. For this, the settlement through SMEs and the government should be the focus of attention in the implementation of IPR for the development of SMEs.

Keywords: Intellectual property rights,government, development,Small Medium Enterprises, - Indonesia

INTRODUCTION:

Small and Medium Enterprises, abbreviated as SMEs, is a business group that has a very strategic role in the development of the national economy. The SME is a business group whose numbers are very large and run a variety of business activities. SMEs, themselves in the management of its business is based on a simple management of the capital structure which is very limited. Under these conditions, it was inevitable that SMEs often experience various problems, among them; includes management of professionalism, lack of capital and lack of strong legal aspects of business and legal protection. One of serious problems in the context of legal protection is relating to the protection of the products they produce either about the process of producing the product or the product itself. So, not surprisingly, many SMEs face problems, losses due to bankruptcy is not the strength of existing legal protection on the products. Further, the following 4 points can be raised as problems faced by small and medium enterprises.:

- 1 Restricted access to productive assets. There are limits to the appropriation of stable capital, obtaining high quality materials and facilities, and acquiring modern technologies.
- 2 Low productivity is also a feature. According to the 2004-2009 mid-term state development plan, the annual production per company for micro and small enterprises is not expected to rise above the average of 4.3 million rupiah for 2000-2003. Medium enterprises average 1.2 billion rupiah and large enterprises average 82.6 billion rupiah. Productivity per employee for micro and small enterprises average 2.6 million rupiah, compared to 8.7 million rupiah for medium enterprises and 42.3 million rupiah for large enterprises.
- 3 Shortage of qualified workers. Few managers and workers have received a high level of education, they have insufficient ability to adapt for new technologies, modern management methods do not spread easily, and it is also difficult in a practical sense to obtain entrepreneurial experience.
- 4 An economic system and organizations have not been established to create a healthy business environment. A legal and accounting system etc. that encourage the growth of small and medium enterprises is beginning to be established, but the government and legal institutions that govern and run these systems are not adequate, and leaders of small and medium enterprises do not have an adequate understanding of a constitutional government system. There are not enough managers to implement an effective accounting system, and there are endless examples of tax evasion and a low consciousness of the need to pay taxes. (5) Development of market economy has not been achieved, and transportation costs etc are high. Except for imports and exports, not many products are traded across state or prefecture boundaries. This is due to factors such as limited distribution channels, lack of infrastructure, and a lack of networked information about products. Also, other factors related to interstate trade such as illegal taxes on truck border crossings increase the cost burden. (SMRJ, 2008)

In this context, the actual aspects of Intellectual Property Rights (IPR) as a legal instrument that serves to protect the products in the market and there is no exception on SME's products that enter the market to be very relevant to be understood and applied in the context of the protection and development of SMEs. Related to that, the following will be described IPR, IPR issues that were found in SMEs and the Significance of Implementation of IPR in SME development is expected to provide benefit on two aspects, namely; legal protection aspects and aspects of business development. By the achievement of these two benefits, then IPR can actually be used as a means to improve the welfare of society at large.

LITERATURE REVIEW:

Post Indonesia ratified the establishment of the World Trade Organization Agreement through Law No. 7. In 1994, IPRs issues become a serious concern. This is because of two things; First, Indonesia has expressed commitment to run the entire agreement relating to the approval of the establishment of the World Trade Organization, not least in the field of intellectual property rights as an integral part of the agreement; With the enactment of Law No. 7 of 1994 on Ratification of the Agreement Establishing the World Trade Organization, legally Indonesia was bound by the provisions of the Intellectual Property Rights in the GATT (General Agreement on Tariffs and Trade). One of the annexes of the agreement GATT is the Agreement on Trade Related Aspects of Intellectual Property Rights (Priapantja, 1999) and secondly, Indonesia as a member state cannot be denied to have the potential of intellectual property rights very large and potentially-including intellectual property rights that exist in SMEs. Ansori Sinungan states that SMEs control of the 90% of majority of economic players in Indonesia. This is also proved by the existence of a very large number of SMEs that spread throughout Indonesia (in 2005 reached 44.69 million units) (Sinungan, 2011)

On that basis, it is not surprising that IPR always socialized even the government today also encourages the application of IPRs to all perpetrators of IPR in Indonesia. As is known, to be able to understand and implement

it properly, then there is no doubt that every actor should understand fundamental concept of IPRs. The term of intellectual property rights is a translation of the term in English in the Anglo Saxon system. While the term intellectual asset is a translation of the term intellectuele eigendomsrecht (Dutch) in the continental legal system (Syarifin & Jubaedah, 2004). According to Ahmad Ramli, the word possession or ownership is more appropriate than the word property because the notion of asset is more specific than the term of property according to the Indonesian legal system. Intellectual property rights are immaterial material that also be the object of asset as stipulated in the law material. Therefore it is more appropriate to use the termsintellectual assets than the term intellectual property rights (Ramli, 2000)

Rachmadi Usman argued that intellectual property rights are property rights to the works that arise or born because of the ability of the human intellect. The works are an intangible material as a result of the ability of a person or the human intellect in the field of science and technology through creativity, taste, intention and his work (Usman, 2003)

According to WIPO in WIPO Intellectual Property Handbook: Policy, Law and Use asserted that Intellectual property, very broadly, means the legal rights which result from intellectual activity in the industrial, scientific, literary, and artistic fields (WIPO; 2005, 3). Based on these descriptions, it can be concluded that Intellectual Property Rights are basically rights of the law where legal rights are intended to provide legal protection to the creation of human and intellectual works in the fields of industry, science, literature, and artistic.

Classification of post-Uruguay Round IPRs contained in an agreement called TRIPs Agreement. It is more specifically regulated in Part II of the Standards Concerning the Availability Scope and Use of Intellectual Property Rights. More details another classification of IPRs by the TRIPS Agreement consists of copyrights and related rights, trademarks, geographical indications, industrial designs, patents, layout designs (topographies) of integrated circuits, protections of undisclosed information, control of anti-competitive practices in contractual licenses (Sutrisno, 2000).

In Indonesia, in the classification of IPRs are not fully adapted to the division as that of the TRIPs Agreement, although in terms of the norm has been adapted to the existing standards in the TRIPs Agreement. Classification of IPR in Indonesia can be seen on copyright and related rights, patents, trademarks, industrial designs, layout designs of integrated circuits, trade secrets, protection of plant varieties. Conceptually each part HKI above can be described in detail as follows (Riswandi,2005):

Copyright:

The scope of the copyright covers the results of intellectual work in the form of art, literature and science. Copyright is obtained automatically when the work was manifested. However, for the requirement of proof of copyright, it is separately registered with the Directorate General of IPR. As far as the question of copyright is concerned, it is the exclusive right for the creator or the right to publish or reproduce the creation or giving permission to do so without reducing limitations according to the laws in force.

The period of copyright protection set out in the provisions of copyright law in Indonesia which is quite varied, namely; the first type of creation in the form of books, pamphlets, and all other written works; speeches, lectures, and other works of utterance; props created for the benefit of education and science; songs or music with or without text; drama, musicals, dance, choreography, puppet shows, pantomimes; works of art in all forms such as paintings, drawings, engravings, calligraphy, sculpture, or collage; architectural works; map; and the art of batik artwork or other motives, and a valid life of the author and continues until 70 (seventy) years after the creator's death (Article 58 Law Number 28 Year 2014 concerning Copyright). Second, the creation in the form of , the photographic work; Portrait; a cinematographic work; video games; Computer program; appearance of the paper; translations, interpretations, adaptations, anthologies, databases, adaptation, arrangement, modification and other works from the results of the transformation; translation, adaptation, arrangement, transformation or modification of traditional cultural expressions; Creation or data compilation, either in a format that can be read by the computer program or other media; and a compilation of traditional cultural expressions during compilation are original work, valid for 50 (fifty) years since it was first announced (Article 59 Law Number 28 Year 2014 concerning Copyright). Article 59 (1) Protection of Copyright of Creation: a. photographic works; b. Portrait; c. cinematographic work; d. video games; e. Computer program; f. appearance of the paper; g. translations, interpretations, adaptations, anthologies, databases, adaptation, arrangement, modification and work Another result of the transformation; h.translation, adaptation, arrangement, transformation or modification of traditional cultural expressions; i Creation or data compilation, either in a format that can be read by the computer program or other media; and j. compilation of traditional cultural expressions during compilation is an original work, valid for 50 (fifty) years since first performed Announcement.

Patent:

The scope of the invention patents exist in the field of technologies that are solving the problem. This invention looks a product or process, or can be also the development / improvement of a existing product or process. Terms of an invention can be patented as three substantial types namely; requirements of novelty (novelty), the terms of inventive step (inventive step) and can be applied in industry (industrial applicable). The terms with the 'Invention' means it contains the novelty requirement as if the date of receipt of the invention is not the same as previously disclosed technology. The terms containing the 'Inventive step' meaning that if the invention is for a person skilled in the art is a thing that is not foreseeable, whereas meaning can be applied in the industry is if the invention can be implemented in the industry. Own patent obtained by registration (first to file principle). However, in some countries such as United States, patents are reserved based on the first inventor (first to invent principle). Indonesia itself adopts a registration (first to file principle). Registration is done at the Directorate General of Intellectual Property Rights Ministry of Law and Human Rights.

Patent implies exclusive rights granted by the state to an inventor for his invention in the field of technology, which for a given period to own invention or give consent to others to implement them.

There are two types of patents, namely patents and utility models. The period of protection for patents is 20 (twenty) years from the date of receipt and that period cannot be extended. Simple patent granted for a period of 10 (ten) years from the date of receipt and that period cannot be extended.

Brand:

Brand is very valuable in intellectual property rights because brand is associated with quality and consumers' desire for a product or service. The strength of advertising is also a marketing weapon to introduce a brand (Bainbridge, 2002)

The scope of the brand is a sign in the form of pictures, names, letters, numbers, words and color composition or a combination thereof having distinguishing features and used in the trading of goods or services. Mark of rights can be obtained through registration system (first to file principle) which is not based on the first use of the system (first to use principle). In Indonesia, obtaining the rights to the brand must go through the registration system. If the trademark is registered, then the resulting rights to the brand. Right on the mark is an exclusive right granted by the state to brand owners registered in the General Register of Marks for a specific period of time by using their own brand or give permission to others to use.

There are two kinds of brands, the trademarks and service. Trademark is a brand used on goods traded by a person or persons jointly or a legal entity to differentiate with other similar items. Service brand is a brand that is used for services traded by a person or persons jointly or a legal entity to differentiate with other similar services.

However, two kinds of brands are also known as collective marks in Indonesia. Understanding the collective brand is a brand that is used on the goods and / or services with the same characteristics that are traded by several persons or legal entities together to distinguish the goods and / or other similar services. Mark protection period is 10 (ten) years from the date of receipt and the protection period that can be extended.

Industrial Design:

Industrial design scope covers the aspect of creation in the form of shapes, configurations and compositions containing the aesthetic elements that are typically used in industrial activities and crafts. The right to own industrial design is obtained by using the registration system. After the registration of industrial design, then the resulting rights to industrial design. Right to the industrial design is an exclusive right granted by the Republic of Indonesia to the designer for his creation for a given period to yourself or to give consent to others to implement these rights. The period of protection of industrial designs is a period of 10 (ten) years from the date of receipt.

Integrated Circuit Layout Design:

Layout designs of integrated circuits in the scope of works and the layout design of integrated circuits. Obtaining the right layout designs of integrated circuits are in accordance with the applicable provisions obtained by the registration system.

Trade Secrets:

The scope of trade secrets include the information is private, has economic value and is kept confidential. Obtain trade secret rights are based on the fulfillment of the terms of trade secret itself. In relation to trade secrets, the confidentiality of the process or element is always highlighted, if it cannot be said often, useful for the invention compared to the formal protection of intellectual property in the regime of copyright, trademark, patent and design. In this regard, the protection of the confidential nature formula produced soft drinks industry of brand Coca-Cola could be a good example. However, the limitations of this form of protection is if the information has become public property, it is usually the information will lose its protection properties (Margono, 2011)

Plant Variety Protection:

Scope of the Plant Variety Protection (PVP) covers the variety of types or plant species that is new, unique, uniform, stable, and given a name. A variety is considered new if at the time of receipt of the request PVP, propagation material or harvest of these varieties have never traded in Indonesia or have been traded but not more than one year, or have been trafficked abroad no more than four years for crops and six years for annual crops. A variety is considered unique if these varieties can be clearly distinguished from other varieties whose existence was already publicly known at the time of receipt of PVP. A variety is considered uniform if the particular traits or important varieties are proven uniform although it varies as a result of planting method and different environments. A variety is considered stable if its properties unchanged after repeated planted, or to the reproduced through a special propagation cycle, unchanged at each end of the cycle. The varieties which can be protected by PVP should be given names which later became the name of the variety in question, provided that:

- 1. The name of these varieties continue to be used despite the protection period has expired;
- 2. naming should not cause confusion to the properties of varieties;
- 3. The varieties carried out by the applicant naming rights registered in the PVP and PVP;
- 4. if the naming does not comply with the provisions of paragraph b, the PVP Office reserves the right to reject it and request the naming new naming;
- 5. if the name of the varieties have been used for other varieties, the applicant is required to change the name of these varieties;
- 6. The proposed name of the variety can also be filed as a trademark in accordance with the legislation in force

The right to the protection of plant varieties in accordance with the applicable provisions is obtained by a registration system to the Ministry of Agriculture. PVT time period are 20 (twenty) years for crops; and 25 (twenty five) years for annual crops.

METHOD:

Methodically, this study used three approaches; first, that IPRs as a means of legal protection for the products produced by SMEs are basically still poses some problems, these problems would be caused by factors SMEs themselves and the government; Second, that responds to the problem of IPR in SMEs needed proper implementation of IPR. The exact form of implementation of IPR for SMEs can be done through a two-tiered strategy; through the application of IPR models in SMEs directly; and Third, encourage their IPR policies are pro to SMEs in both the central and local governments.

FINDINGS AND DISCUSSION:

In carrying out its business activities as described above SMEs find a variety of issues, starting from the professionalism yet less robust management of SMEs to the legality of operations and legal protection of the products of SMEs. In line with this, in practice the problems associated with legal protection against products often arise due to several factors namely;

Knowledge of Intellectual Property Rights is Still Minimal:

As described above, IPR is a legal concept that can provide legal protection for the products in the market-is no exception SMEs. Conceptually IPR has a diverse classification. However, if attention to the SME and IPR knowledge not least SMEs do not know and understand that IPRs consists of several kinds, more or less there are seven kinds of IPR. IPR and SME know the extent of copyright, patent, and trademark. The three types of

IPR are also explored sometimes if SMEs consider them to be the same. In fact, all three types are conceptually different. This is perhaps a major reason that the knowledge of IPRs in SMEs are well and evenly.

The reason the procedures are costly and complicated IPR issues in SMEs not only due to the good knowledge of IPR yet, but there is also SMEs IPR knowledge that good enough. However, when SMEs will step to apply for IPR especially should be listed on the SME became interested when, in the submission process there is no legal certainty regarding the timelines for obtaining a certificate of IPR. Although, if the statute in the field of IPR rules of that time has been set, in practice it can never be fulfilled by implementing IPR legislation in this case the Directorate General of IPR.

Not to understand the benefits of IPR well:

Often found in practice IPR facilitation, SME considers that IPR has no expediency. Even in the extreme language of SMEs thought: "with no regard to IPR yet can still run their businesses." This assumption is very alarming. IPR awareness has the benefit if SMEs actually been dealing with legal issues, such as SMEs were reported to the police for violating IPR. With the existence of such an event, then SMEs felt that IPRs are very important. In addition, awareness of the usefulness of IPRs to a growth in SMEs if SME is apparently having problems, or the devastation of the products they are misused by others. This is not a little in the end lead to bankruptcy.

Product is No Longer Characteristically Original:

SMEs in Indonesia in fact manufactures products in the field of arts like painting products, engraving, photographic, publishing books and others. Something very unfortunate is when SMEs that produce products before, cannot be the legal protection of Ka Copyright Act as part of the IPR because their products do not contain elements of originality. Existing of tendency on SMEs producing products in a way is to act or practice of plagiarism and copyright infringement.

Brand used Mentioned Product Name:

SMEs in generating products often cannot break away from the use of the brand. Brand used by SMEs to be used as a means of differentiating similar products. In addition, the brand used by SMEs is a promotional tool for SME products. In practice, the brand used by SMEs not least does not meet the provisions of the brand, as stipulated in the Trademark Act. Many find brands SMEs mention the brand names of the products produced, such as; gudeg culinary products, SMEs using the brand "rice gudeg." The product of bakpia is given the brand name "bakpia 75" and so on. This, of course, of the Trademark Act cannot be is ultimately result in those brands which cannot be applied for exclusive rights. That is, the brand of SMEs in terms of legal protection is becoming weaker.

Not fulfillment element novelty of SME products:

The problems with the novelty of SME products is interesting in the context of IPR protection on SME products. Especially, for products related to the design and invention in the field of technology. Not least, in practice, SMEs make a product such as in the field of handicrafts, the products are made and then commercialized. When, the product is in demand by the market, then SMEs to think about the importance of protecting these handmade products from the design. However, this desire to be very late considering the Industrial Design Act itself as a means to protect the SME handicraft product design earlier require that there is an element of novelty (novelty). In this context it can be ascertained SME handicraft product is a product that is not new, and ultimately did not have a chance to be registered at the same time protected by the Industrial Design Act. This lack of renewal fact often also in terms of the findings in the field of technology in SMEs, where the technology invented by SMEs to produce goods, it was realized for patent filed when the technology has been practiced in the scale of business activities. As a result, the findings of the SME technology also cannot be protected by a relatively law, particularly patent of law.

The absence of legal protection system development alternative:

IPR protection for products of SMEs for this is still focused on the provisions of the Act in the field of IPR. Law on protection of IPR itself in giving mostly entails an element of originality, novelty and registration mechanism. As a result of such provisions is not surprising that a lot of SMEs do not get protection because the

resulting products are listed and elements of SME have no originality and lack of renewal has also been lost. See, on issues like this, they should be encouraged SMEs in addition to protecting their products through Intellectual Property Law, it is important for developed alternative protection systems, such as through contract law and civil law in general as well as unfair competition law. However, in practice, there are still many SMEs in generating products to develop this alternative protection system, so that it is ultimately the more complete issues of legal protection of SME products.

Support policy and institutional rights is not responsive to SMEs:

It is no less serious problem in terms of IPR protection for products of SMEs which is weakness of IPR policy and institutional support in response to SME products which should be protected by IPR. It is inevitable that IPR policies applied in Indonesia is still focused on Intellectual Property Law and some derivatives regulation from the central government, while the government itself is still very minimal pro adopt a policy on IPR SME. In addition, the issue of institutional IPR responsive and capable of bridging the petition IPR SME becomes an integral part of the problem of IPR protection for products of SMEs. Up to now, institutional IPR is responding and bridging products of SMEs are still focused in Jakarta, whereas SMEs own existence spread throughout Indonesia to Papua. When agencies whose can help IPR SME presence only in the center and in some areas, it is certainly difficult for the process to protect IPRs belong to SMEs in all regions of Indonesia

This is presumably some IPR protection issues were found in SMEs. The problems can certainly be regarded as an obstacle or challenge. However, when seen from the positive lens, this problem should be used as a challenge for both SMEs and policy makers. Thus, efforts to find a solution become a priority in this matter.

IMPLEMENTATION OF THE IPR in SME:

After finding several problems, IPR protection for products of SMEs, it becomes an interesting thing to find strategic steps in implementing IPR for SMEs. The strategic steps IPR for SMEs are maximum efforts in the framework of an effective IPR protection. Some strategic steps that can be offered to implement the IPR for SME products cover two main topics, namely; First, develop a model of effective implementation of IPR in SMEs; and second, to develop pro IPR policies for SMEs.

In terms of implementation of IPR for SME products is the first real effort that can be applied to SMEs related to IPR, while the implementation of IPR for SMEs second product, an umbrella drafting IPR policy pro with SMEs. Furthermore, the following two steps are described in the detailed strategic. IPR implementation has a real effort for SMEs can be done through several steps namely:

- 1. Sorting and selecting the types of products that will be filed for IPR by SMEs. Efforts of sorting and selecting the types of products that will be filed IPRs by SMEs are very important for beginning step. As for who should do in this case is to classify products according to its kind. Then, the classification is also divided into new products and new, original or derivative, and has been produced or not produced. After this process, then the product selection is based on the classification of IPR relevant to applied.
- 2. Registration of the types of SME products into the database system. After sorting and selecting the types of products that will be applied for IPR, the next process was such products also recorded into the database system. Recording itself was intended as a means of documenting the products of SMEs which has many functions in the future.
- 3. Determining the type of IPR that are relevant to the products of SMEs. After recording the types of SME products into the database system, then the process is continued by determining the type of IPR relevant and appropriate to be applied. However, the choice of IPR to the SME products in reality often is a normative, so sometimes relevant aspects and accuracy are not met. However, with the determination of IPRs that are relevant to the products of SMEs in this regard will be a lot of emphasis on the implementation of IPR strategy on SME products. As an example that could be addressed, such as with regard to the protection of medicinal products associated with the formula. When viewed on the application of IPR is normative, then the choice can be entered on the type of IPR in the form of patents, but if approached from the IPR protection strategy will be very likely or types of IPR protection is applied it will be included on the type of IPR in the form of the Trade Secret. There are several considerations when it was given formula protection through trade secrets. The consideration is; trade secret protection is quite simple and low-cost, where formulators quite maintain the confidentiality of the formula and the formula stated classified information, then the formula will automatically be protected by law in this case trade secret law. Then, the process is simple protection without having to make an effort to prepare the special requirements and apply for

- formulas can be protected. The most important of these periods is given very long where protection is very dependent on how long it can be kept confidential formula, and the formula is also protected by law.
- 4. The application for the IPR for SME products. If the process of determining the type of IPR is over, we then need to be followed up by filing a request for registration of IPRs. For this step is usually intended for the result of the determination of the relevant IPR for SME products and must be registered. As related to brands, patents and industrial design.
- 5. Optimizing IPR post-acquisition certificate. Step after getting a certificate of IPR registration process, SMEs should take advantage of IPR to the progress of SME. As for the mechanism and its operation can be through a system of licensing or franchising. For the implementation of IPR for SMEs through the formulation of government policy umbrella pro IPR, some have to do is:
 - a. Preparation of policy at the center. IPR policy formulation in the center as a means to consider in encouraging the implementation of IPRs in the SME environment. The policy itself includes the IPR regulation more favorable to the interests of SMEs. Such as in the case of changes in the field of Intellectual Property Law. This should be considered. Examples of Trademark Law changes are planned to be carried out should be able to focus also on the interests of SMEs. Ratification of the Madrid Protocol is a form of IPR policies are pro SMEs due to ratify the Madrid Protocol, the Law of the brand will accommodate existing provisions that protected by Madrid, one of the global trademark registration system.
 - b. Preparation of regional policy. IPR policy formulation in the area is also important. Demand for product of laws governing the management of IPR for SMEs has become something very urgent. Until now, SMEs have not benefited from the management of intellectual property rights one of which there is no legal basis in the area that can be used as a foothold for the management of IPR SME as an asset. Therefore, should the IPR policy development like this can be done. There are many other things to do local real regional policy making pro IPR. Other policies, the policies in the exhibition in the region that must consider and take into consideration the protection of IPR.
 - c. Encourage policies that lead to synergies between the central and local institutions either vertically or horizontally which has a concern in the field of IPR. Step implementation of IPR for SMEs in terms of policy formulation is the existence of a policy between state agencies both central and local horizontal vertical which led to synergistic efforts on the implementation of IPR for SMEs is more optimal. An implementation of IPR for SMEs should be designed in such a way by the state agency, so that all aspects of IPRs in SMEs can be facilitated and developed. For instance, in the case of the socialization of HKI, the state agencies both central and local sustainability must have a form of socialization, where the presence of socialization patterns like these SMEs will understand IPR not only at the level of common, but can be developed on a more specific IPR knowledge.

REFERENCES:

- [1] Sinungan, A, (2011), Perlindungan desain industri tantangan dan hambatan dalam praktiknya di Indonesia, Bandung: Alumni.
- [2] Priapantja, C.C., (1999) Budaya hukum Indonesia menghadapi globalisasi perlindungan rahasia dagang di bidang farmasi, Jakarta: Chandra Pratama.
- [3] Sutrisno, N. (2000) Implementasi persetujuan TRIPs dalam undang-undang hak cipta Indonesia. (Insan Budi Maulana et all, Ed), Yogyakarta: Yayasan Klinik HAKI Jakarta dan Pusat Studi Hukum UII Yogyakarta
- [4] Usman, R. (2003), Hukum Hak atas Kekayaan Intelektual, Bandung: Alumni.
- [5] Ramli, A.M. (2000) *HAKI atas kepemilikan intelektual teori dasar perlindungan rahasia dagang*. Bandung: Mandar Maju.
- [6] Riswandi, B.A. (2005). *Hukum cyberspace*, Yogyakarta: Gita Nagari.
- [7] Syarifin, P & dan Jubaedah, D. (2004) Peraturan hak kekayaan intelektual di Indonesia, Bandung: Pustaka Bani Quraisy.
- [8] WIPO. (2005) WIPO intellectual property handbook: policy, law and use (Chapter I). Geneva: WIPO
- [9] Bainbridge, D. (2002) Intellectual property, fifth edition. England: Pearson Longman.
- [10] Margono, S. (2011), Hak milik industri pengaturan dan praktik di Indonesia. Bogor: Ghalia Indonesia
- [11] SMRJ, (2008) Small & medium enterprise development policies in 6 ASEAN Countries [Online]Available:(http://www.asean.org/storage/images/archive/documents/SME%20Development%20P olicies%20in%206%20ASEAN%20Member%20States%20-%20Part%201.pdf (March 7, 2008)

TRIPS AGREEMENT:

- [1] Law no. 28 of 2014 on Copyright
- [2] Law no. 14 of 2001 on Patents
- [3] Law no. 15 of 2001 on Marks
- [4] Law no. 29 of 2000 on the Protection of Plant Varieties
- [5] Law no. 30 of 2000 on Trade Secrets
- [6] Law no. 31 of 2000 on Industrial Designs
- [7] Law no. 32 Year 2000 on Layout Designs of Integrated Circuits
