

ENFORCEMENT OF INTELLECTUAL PROPERTY LAW IN INDONESIA

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Abstract

Intellectual Property Rights (IPR) play a crucial role in the creative economy, and the state must provide legal protection for intellectual property as a form of appreciation for creators/inventors for their efforts and hard work in producing new innovations, while minimizing intellectual property infringements. In practice, there are several challenges and difficulties in enforcing laws related to Intellectual Property Rights (IPR). This research aims to explore the role of IPR in supporting the development of the creative economy in Indonesia. The research method applied is the normative legal research method. This approach explores information from written regulations and legal literature related to IPR in Indonesia. The data used is secondary data obtained through literature studies. The conclusion of this research indicates that IPR protection plays a central role in supporting the ecosystem of the creative economy. However, challenges such as the lack of awareness among the public and creators about the importance of protecting intellectual property, as well as deficiencies in regulations supporting the protection of traditional knowledge, need to be addressed. Collaborative efforts between the government, creative industry stakeholders, and the public are necessary to ensure optimal enforcement of IPR and promote sustainable growth in Indonesia's creative economy.

Keyword: *Law, Legal Protection, Regulations, Intellectual Property Rights*

A. INTRODUCTION

Technology has a crucial role in increasing efficiency and effectiveness in carrying out human tasks. With the adoption of the right technology, work processes can become faster, more precise and automated, reducing human workload and minimizing the potential for errors. This advantage not only makes work more efficient, but also provides space for creativity and innovation, as technological capabilities continue to develop.¹ With increased efficiency, resources can be allocated more optimally, supporting the growth of the industrial sector. Technological development is also the main driver of a country's economic growth. Through investment and adoption of advanced technologies, countries can increase their competitiveness in global markets,

¹ Muhammad Haseeb, Hafezali Iqbal Hussain, Beata Ślusarczyk, and Kittisak Jermsittiparsert. "Industry 4.0: A solution towards technology challenges of sustainable business performance." *Social Sciences* 8, no. 5 (2019): 156.

create new jobs and stimulate the industrial sector. The industrialization phenomenon triggered by technological developments has had a positive impact on national productivity and production capacity. Investors tend to be interested in investing in a business environment that is supported by modern technology, accelerating the rate of economic growth of a country.²

The role of technology in the era of industrial revolution 4.0 has a significant impact on the progress of the industrial world, especially in the context of intellectual property in Indonesia³. In an effort to achieve effectiveness in creating high quality products and remaining competitive, information and communication technology is the main foundation. The industrial revolution 4.0 not only facilitates access to information and telecommunications, but also opens up new opportunities in optimizing production processes.⁴ Utilizing this technology can accelerate innovation, facilitate collaboration, and expand market reach, all of which are important elements in the context of intellectual property law enforcement. The industrial revolution 4.0 also makes a positive contribution in increasing the effectiveness and efficiency of production of goods and services in the Indonesian industrial world. With increasingly sophisticated technology, companies can optimize supply chains, implement automation in production processes, and use machines to improve product quality. Apart from that, innovation in the industrial revolution 4.0 can also help reduce production costs, making them more affordable and competitive.^{5,6}

The wave of Industrial Revolution 4.0 has caused fundamental changes in the economic aspect, with the emergence of the creative economy concept as one of the main drivers of development. This era marks a shift in the economic paradigm which prioritizes the use of human resources, especially in terms of creativity and innovation. The creative economy emphasizes that the success of a country does not only depend on natural resources or material wealth, but also on the creative potential and innovative ideas possessed by

2 Rajapathirana, RP Jayani, and Yan Hui. "Relationship between innovation capability, innovation type, and firm performance." *Journal of Innovation & Knowledge* 3, no. 1 (2018): 47.

3 Disemadi, Hari Sutra, and Cindy Kang. "Tantangan Penegakan Hukum Hak Kekayaan Intelektual dalam Pengembangan Ekonomi Kreatif di Era Revolusi Industri 4.0." *Jurnal Komunikasi Hukum (JKH)* 7, no. 1 (2021): 59.

4 Dóra Horváth, and Roland Zs Szabó. "Driving forces and barriers of Industry 4.0: Do multinational and small and medium-sized companies have equal opportunities?." *Technological forecasting and social change* 146 (2019): 121.

5 Sascha Kraus, Shafique Ur Rehman, and F. Javier Sendra García. "Corporate social responsibility and environmental performance: The mediating role of environmental strategy and green innovation." *Technological forecasting and social change* 160 (2020): 120264.

6 Hari Sutra Disemadi, and Cindy Kang. "Tantangan Penegakan Hukum Hak Kekayaan Intelektual dalam Pengembangan Ekonomi Kreatif di Era Revolusi Industri 4.0." *Jurnal Komunikasi Hukum (JKH)* 7, no. 1 (2021): 58.

its people.⁷ The creative economy opens up opportunities for various sectors, including art, design, technology and other creative industries, to develop and make a significant contribution to economic growth. The concept of the creative economy does not only stop at changing the economic model, but also has a positive impact on the level of innovation and creativity in society. By encouraging active participation in creative sectors, the creative economy can become a driver of increasing national competitiveness. The existence of healthy business competition in various sectors creates an environment that spurs innovation, advances technology and expands job opportunities. Thus, the creative economy can play a role in reducing the unemployment rate by creating new jobs and empowering people to hone their creative potential, making the economy more dynamic and sustainable.⁸

Intellectual Property Rights (IPR) are the main pillar in supporting the creative economy by providing protection for creative and innovative results.⁹ Through patents, inventors are given exclusive rights to the new technology they discover, while copyright protects works of art and literature from unauthorized use or reproduction. This is an important control mechanism that encourages creative economy actors to continue to innovate, because they have a guarantee of legal protection for the results of their work. In this way, IPR acts as a legal umbrella that provides certainty and incentives for creative economy actors to continue working without worrying about misuse or unauthorized use of their work. Intellectual Property (IP) as a whole has a crucial role in supporting the development of the creative economy.¹⁰ By relying on human creativity as the main resource, the creative economy encourages innovation in various fields, such as technology, design and art. IPR registration is an important step to ensure that inventors and creators receive exclusive rights and legal protection for their works and discoveries. Thus, IPR not only stimulates the growth of the creative economy by providing incentives for industry players, but also provides a strong foundation to ensure the continuity and continuity of innovation in the creative economy era.¹¹

7 Sabai Khin and Theresa CF Ho. "Digital technology, digital capability and organizational performance: A mediating role of digital innovation." *International Journal of Innovation Science* 11, no. 2 (2018): 179.

8 W. David Holford. "The future of human creative knowledge work within the digital economy." *Futures* 105 (2019): 146.

9 Saida Talukder Rahi and Anwar Hossan Sagor. "Legal Regime of Genetically Modified Food: Developing Country in The Context." *Lex Publica* 9, no. 2 (2022): 67.

10 Greg Hearn and Marion McCutcheon. "The creative economy: the rise and risks of intangible capital and the future of creative work." *The Future of Creative Work: Creativity and Digital Disruption* (2020): 17.

11 Marcus O'Dair and Marcus O'Dair. "Opportunities for the Creative Economy." *Distributed Creativity: How Blockchain Technology will Transform the Creative Economy* (2019): 34.

The state awards called Intellectual Property Rights (IPR) in recognition of the efforts and ideas of people who produce new ideas or discoveries.¹² Intellectual Property Rights (IPR) grant exclusive rights to their owners and provide legal protection against unauthorized use or reproduction. In practice, Indonesia still faces several issues and challenges in enforcing laws related to IPR, especially in the era of the fourth industrial revolution. This research aims to explore various types of IPR in Indonesia and analyze the implementation of IPR protection in the country. The research will also focus on identifying challenges in enforcing IPR protection, particularly in the context of developing the creative economy during the fourth industrial revolution. The successful implementation of IPR protection becomes increasingly crucial. This study delves deeper into how IPR can support and facilitate the development of the creative economy amid the dynamics of the fourth industrial revolution. Challenges such as digital copyright infringement need careful analysis to identify appropriate solutions to strengthen the IPR protection system in Indonesia. Thus, this research serves as a foundation to enhance the understanding and effectiveness of IPR protection, ensuring that innovation and creativity in Indonesia can thrive optimally in this ever-evolving industrial era.

B. RESEARCH METHODS

The research method employed in this study is the normative legal research method. This approach relies on the analysis of written regulations and legal literature that explores the theoretical aspects, structure, and legal explanations related to Intellectual Property Rights (IPR) in Indonesia. The data used in this research are secondary and obtained through literature review. The primary data sources referenced in this study are regulations relevant to IPR in Indonesia, including Law Number 28 of 2014 concerning Copyright, Law Number 13 of 2016 concerning Patents, Law Number 20 of 2016 concerning Trademarks and Geographical Indications, Law Number 31 of 2000 concerning Industrial Design, Law Number 32 of 2000 concerning Integrated Circuit Layout Design, Law Number 30 of 2000 concerning Trade Secrets, Law Number 29 of 2000 concerning Plant Variety Protection, and Government Regulation No. 36 of 2018 concerning the Registration of Intellectual Property License Agreements. The analysis in this research focuses on the legal framework and provisions governing IPR in Indonesia. This normative approach provides a comprehensive understanding of the legal

¹² Rachmad Abduh and Fajaruddin Fajaruddin. "Intellectual property rights protection function in resolving copyright disputes." *International Journal Reglement & Society (IJRS)* 2, no. 3 (2021): 173.

aspects related to IPR to support the development of the creative economy in Indonesia.

C. INTELLECTUAL PROPERTY RIGHTS IN INDONESIA

In the midst of digital transformation, human thinking power is the main capital for producing innovations that support industrial development. The importance of Intellectual Property Rights (IPR) emerges as a crucial step in providing legal protection to creators, inventors and designers. This is done through registering works or findings with the Directorate General of Intellectual Property Rights (*Direktorat Jenderal Hak Kekayaan Intelektual/DJHKI*), which provides exclusive rights as a form of appreciation and protection for their creative results. Legal protection of IPR in Indonesia is not only symbolic, but has concrete objectives in anticipating violations of intellectual rights.¹³ Through the registration system at DJHKI, the state ensures that creators and inventors obtain exclusive rights to their work, avoiding the potential for misuse or reproduction without permission. The existence of IPR protection also has a positive impact in increasing competitiveness in the era of free trade, creating healthy business competition, and providing encouragement for scientific research activities.^{14,15}

Moral rights are outlined in Article 5 of Law Number 28 of 2014 concerning Copyright (Copyright Law). Moral rights are considered to be rights that are eternally inherent in the creator, giving him the authority to decide whether or not his name will be included on copies of his work for public use. Creators also have the right to use their real names or pseudonyms, change their works by taking social norms into account, change the titles and subtitles of their works, and defend their rights in the event of distortion, mutilation, modification, or other actions that are detrimental to their honor or reputation.¹⁶ Apart from moral rights, Article 8 of the Copyright Law also regulates economic rights. Economic rights give exclusive rights to the creator or copyright holder to obtain economic benefits from their creation. Apart from moral rights and economic rights, this Law recognizes exclusive rights owned by creators, inventors or designers. This right gives the power to prohibit or allow other people without approval to make, use, export, import, sell or

13 Anis Mashdurohatun, Hayyan Ul Haq, and Sony Zulhuda. "Social Function Reconstruction of Intellectual Property Rights (IPR) Based On Justice Values." *International Journal of Law Reconstruction* 1, no. 1 (2018): 145.

14 Meirison Meirison and Zerly Nazar. "Intellectual Property Rights and Monopoly in the Perspective of Islamic Jurisprudence." *Al-Ahkam* 31, no. 1 (2021): 53.

15 Hari Sutra Disemadi and Cindy Kang. "Tantangan Penegakan Hukum Hak Kekayaan Intelektual dalam Pengembangan Ekonomi Kreatif di Era Revolusi Industri 4.0." *Jurnal Komunikasi Hukum (JKH)* 7, no. 1 (2021): 57.

16 Putu Nendrawan and Gede Rastika. "Implementasi Perlindungan Hukum Hak Kekayaan Intelektual (HKI) Terhadap Ekspresi Budaya Tradisional (EBT) Di Tinjau Dari UU Nomor 28 Tahun 2014 Tentang Hak Cipta." *Jurnal Pacta Sunt Servanda* 2, no. 1 (2021): 38.

distribute a creation or innovation. Intellectual Property Rights (IPR) in the Law include two main categories, namely copyright and industrial property rights. The Copyright Law provides a comprehensive framework to protect intellectual rights in Indonesia, both from a moral and economic perspective, as well as ensuring optimal protection for creators and innovators.¹⁷

Patent rights are a form of Intellectual Property Rights (IPR) which are granted as recognition of new discoveries or inventions in the field of technology. Law Number 13 of 2016 concerning Patents (Patent Law) provides an explanation that an inventor is a person or group of people who together turn an idea into an activity that produces an invention. Article 1 of the Patent Law provides a definition which describes that inventors are those involved in implementing ideas into activities that produce technological innovation. Patents consist of two types, namely ordinary patents and simple patents. Ordinary patents are granted for truly new inventions, while simple patents are granted for inventions that are the result of development of previously existing inventions. Simple patents are granted to inventions that are improvements or developments of previously existing innovations. A simple patent provides legal recognition and protection for the contribution of an invention that improves the performance, efficiency, or other aspects of an existing invention.¹⁸

Furthermore, as regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications, a brand is a sign used to classify and differentiate a product from other products in the context of commercial and consumer protection. The main function of a brand is to make product identification easier for consumers. There are two types of marks regulated in the Trademark & IG Law, namely trademarks and service marks. Trademarks are used for products in the form of goods, while service marks are used to differentiate similar services.¹⁹ Apart from that, there are also collective brands, which are used on goods and services with the same characteristics. This regulation provides a legal basis for protecting the rights of brand owners, encouraging healthy competition in the market, and providing guarantees for the quality of products or services. On the other hand, the Trademark & GI Law also regulates geographical indications. Geographical indications are signs that indicate the area of origin of a product and include geographical factors

17 Gede Agus Wahyu Dana, Dewa Gede Sudika Mangku, and Ketut Sudiarmaka. "Implementasi UU Nomor 28 Tahun 2014 Tentang Hak Cipta Terkait Peredaran CD Musik Bajakan Di Wilayah Kabupaten Buleleng." *Ganesha Law Review* 2, no. 2 (2020): 112.

18 Tasya Safiranita Ramli and Sherly Ayuna Putri. "Tinjauan hukum perbedaan pengalihan hak paten dengan perjanjian lisensi pada hukum perdata." *Dialogia Iuridica* 10, no. 1 (2018): 98.

19 Yuliana Maulidda Hafsari. "Hak Atas Kekayaan Intelektual, Hak Merek, Rahasia Dagang, Dan Pelanggaran Hak Merek Dan Rahasia Dagang Serta Hak Patent (Literatur Review Artikel)." *Jurnal Ilmu Manajemen Terapan* 2, no. 6 (2021): 738.

such as natural conditions and human influence in the area. Article 1 of the Trademarks and Geographical Indications Law explains that a user of a geographical indication is a party who has received permission from the right holder for a geographical indication to process and market products with that geographical indication. Geographical indication description documents are important because they contain information about the reputation, quality and characteristics of goods or products related to geographical factors.²⁰

Another type of IPR is industrial design, which is contained in Law Number 31 of 2000 concerning Industrial Design. Industrial design refers to creations that provide aesthetic value to products, be they goods, industrial commodities, or handicrafts. The success of an industrial design is measured by its ability to be mass produced with consistent results, aimed at increasing product sales value and supporting business competition. Industrial design legal protection is provided, as long as the design complies with applicable regulations and does not conflict with public order.²¹ Apart from that, there is an Integrated Circuit Layout Design (*Desain Tata Letak Sirkuit Terpadu*/DTLST) which is explained in Law Number 32 of 2000 concerning Integrated Circuit Layout Design. DTLST is a three-dimensional design of the elements in making an integrated circuit, with the designer as the person or group who produces it.²² Another type of IPR is trade secrets which are regulated in Law Number 30 of 2000 concerning Trade Secrets. Trade secrets include information in the field of technology or business that has economic value and is kept confidential by its owner. Furthermore, IPR protection also involves plant varieties, which is explained in Law Number 29 of 2000 concerning Plant Variety Protection. Plant varieties refer to groups of plants of a certain type or species that have genotypic characteristics that are different from those that previously existed. This regulation provides a framework to protect innovation and diversity in agriculture, encourage the breeding of superior plants, and provide incentives to plant breeders.²³

C. LAW ENFORCEMENT CHALLENGES RELATED TO IPR

The development of the creative economy in Indonesia has had a significant impact on the national economy. With characteristics that include

20 Michael Blakeney. *The protection of geographical indications: law and practice*. Edward Elgar Publishing, 2019.

21 Sulistyawati Sulistyawati, and Risma Nur Arifah. "Kepastian Hukum Pembatalan Desain Industri Berdasarkan Prinsip Public Domain Pada Undang-Undang Nomor 31 Tahun 2000 (Studi Putusan Kasasi Nomor 583 K/Pdt. Sus-Hki/2021)." *Journal of Islamic Business Law* 6, no. 2 (2022): 14.

22 Inge c, Efriyanto Efriyanto, and Rafi Hanif Fadhlán. "Pihak Yang Berkepentingan Dalam Kasus Pembatalan Pendaftaran Desain Industri." *Widya Yuridika: Jurnal hukum* 6, no. 1 (2022): 123.

23 Mhd Rasyid Siregar. "Pembatalan Desain Industri Menurut Peraturan Perundang-Undangan Yang Berlaku Di Indonesia Tentang Hak Desain Industri (Studi Putusan Mahkamah Agung Republik Indonesia No. 129PK/Pdt. Sus/2011)." *Premise Law Jurnal* 8 (2018): 32.

elements of creativity and intellectualism, the products produced by creative economy actors are built on the basis of innovative ideas. The development of this creative industry is unlimited and can be applied in various business sectors. Even though the products are easily replaceable and can be imitated, this creative economy sector has high profit margins. The unique characteristics of the creative economy, which include high creativity and idea-based products, open up great opportunities for growth and innovation in various fields.²⁴ Even though it is dynamic and adaptable, this sector is expected to become the main pillar in driving the economy in the future, supporting sustainable economic growth, and creating wider job opportunities in Indonesia.²⁵

Every sector operating in the creative economy emphasizes the main elements, namely creativity and innovation. Works or innovations that emerge in this context are considered intellectual property. The importance of providing legal protection for new works or innovations is a necessity to reduce the risk of infringement of intellectual property. In practice, law enforcement related to Intellectual Property Rights (IPR) is faced with a number of challenges and problems that need to be overcome. This challenge can involve aspects such as the effectiveness of law enforcement, public understanding of the importance of protecting intellectual property, as well as the completeness and accuracy of regulations that support law enforcement.²⁶

Lack of understanding and lack of education among the public regarding intellectual property causes a lack of appreciation for existing intellectual assets. This is reflected in the increase in copyright violations, such as piracy of cassettes/DVDs and books/e-books. Low awareness of the importance of protecting intellectual property can have a negative impact on copyright holders and indicates the need to increase public understanding of the value and benefits of intellectual property rights. Apart from that, a lack of awareness also occurs among creators, inventors or designers themselves. Many of them do not understand how crucial it is to register their work or findings to obtain legal protection. This registration not only protects their rights as creators, but also has the potential to provide economic benefits for the country. The involvement of creators in registering intellectual property

24 Danai Christopoulou, Nikolaos Papageorgiadis, Chengang Wang, and Georgios Magkonis. "IPR law protection and enforcement and the effect on horizontal productivity spillovers from inward FDI to domestic firms: A Meta-analysis." *Management International Review* 61, no. 2 (2021): 238.

25 Hari Sutra Disemadi, and Cindy Kang. "Tantangan Penegakan Hukum Hak Kekayaan Intelektual dalam Pengembangan Ekonomi Kreatif di Era Revolusi Industri 4.0." *Jurnal Komunikasi Hukum (JKH)* 7, no. 1 (2021): 59.

26 Antonio Capobianco and Anita Nyeso. "Challenges for competition law enforcement and policy in the digital economy." *Journal of European Competition Law & Practice* 9, no. 1 (2018): 22.

rights is key in supporting the growth of the creative industry and ensuring optimal exploitation of its economic potential.²⁷

Several obstacles in enforcing Intellectual Property Rights (IPR) in Indonesia are still visible in the incompleteness of regulations, especially regarding the protection of traditional knowledge in the form of folklore. Article 10 of the Copyright Law notes the need for implementing regulations that do not yet exist, creating difficulties in enforcement efforts. Apart from that, the complexity of intellectual property registration procedures is also an obstacle. Complex processes can slow down creators, inventors, or designers in obtaining legal protection, thus requiring simplification or improvements in the administration system.²⁸ From a psychological perspective, widespread violations of intellectual property, such as piracy, can have a negative impact on the creativity and inspiration of creators. Uncertainty regarding the protection of their work can harm their motivation to innovate and create more. Therefore, collaboration between the government, creative industry players and society is very important. This joint effort can create a supportive environment, involving regulatory improvements, simplification of procedures, and increased public awareness to ensure effective enforcement of IPR laws and provide better support to creators.

C. IMPLEMENTATION OF IPR PROTECTION IN INDONESIA

The legal protection system for Intellectual Property Rights (IPR) involves several crucial elements. The subject of this protection can be an IPR holder, who can be an individual or a legal entity. They are individuals or entities who have exclusive rights to certain intellectual property. Objects of IPR protection include all types of intellectual property regulated by law, such as Copyright, Patent Rights, Trademark Rights, Industrial Designs, Integrated Circuit Layout Designs, Trade Secrets, and Plant Varieties. Legal protection for IPR is only given to intellectual property that has been registered and proven by a registration certificate, unless there are other provisions in the law. In other words, the registration and certificate granting process is an important step in ensuring exclusive protection for IPR holders. The registration certificate functions as valid and legally binding evidence regarding ownership and rights contained in the intellectual property.

Protection of intellectual property has a period that varies according to the type of right in question. Copyright provides protection for the life of the creator plus 70 years after the creator dies, in accordance with Article 58 of the Copyright Law. Patent rights, both simple patents and ordinary patents,

27 Peter Lee. "Reconceptualizing the role of intellectual property rights in shaping industry structure." *Vand. L. Rev.* 72 (2019): 1197.

28 Miriam Marcowitz-Bitton and Emily Michiko Morris. "Unregistered Patents." *Wash. L. Rev.* 95 (2020): 1835.

have respective terms, namely 10 years for simple patents and 20 years for ordinary patents, as regulated in Article 23 paragraph 1 and Article 22 paragraph 1 of the Patent Law. Trademark rights receive protection for 10 years and can be extended periodically, in accordance with Article 35 of the Trademark & IG Law. Protection for industrial design rights is valid for 10 years, in line with Article 5 of the Industrial Design Law. Trade Secret Rights, due to the element of confidentiality, have no time limit. Integrated Circuit Layout Design Rights are protected for 10 years from the first commercial exploitation, in accordance with Article 4 of the Integrated Circuit Layout Design Law. Meanwhile, plant varieties are given protection for 20 years for annual plants and 25 years for perennial plants, in accordance with the Plant Variety Protection Law.

Intellectual Property Rights (IPR) has the ability to be transferred or transferred through several mechanisms, including inheritance, gift, will, ownership by the state, or through a deed agreement. The process of transferring IPR can involve all rights or only some, and is generally carried out for commercial purposes. Parties who wish to utilize these rights can obtain permission through an agreement with a deed, so that they can also utilize the economic rights to the results of the Intellectual Work. The transfer of IPR must be regulated in writing through an agreement with an authentic deed or private deed, and cannot be done verbally. Creators, inventors or designers who are still alive and wish to transfer intellectual property, the transfer can be done through gifts and wills. The process of transferring IPR by giving permission to another party is called a license, and the license must be registered, generally through the Directorate General of Intellectual Property Rights (Direktorat Jenderal Hak Kekayaan Intelektual/DJHKI). License registration allows the creation or innovation to be experienced by consumers in a wider range, both at the national and international level.

Every legal regulation related to IPR clearly regulates the procedures for transferring rights for each type of IPR. The transfer of copyright through inheritance, gift and will must be regulated in writing, and the right will belong to the heirs after the creator dies. Within 70 years after the creator dies there are no heirs to take over, then the copyright becomes the property of the state. The transfer of patent rights, trademark rights, industrial design rights, Integrated Circuit Layout Design rights, trade secret rights, and plant variety protection rights are also regulated by specific provisions. All forms of transfer must be registered and announced, by submitting an application for recording the transfer to the Directorate General of Intellectual Property Rights (Direktorat Jenderal Hak Kekayaan Intelektual/DJHKI) or the relevant agency, and accompanied by relevant written evidence. The transfer of IPR rights is an important mechanism for regulating the ownership and use of intellectual

property. Regular procedures and proper registration with the competent authorities ensure transparency and clarity in the transfer of rights, involving various types of IPR in accordance with applicable legal provisions.

Transfer of IPR can be done through several methods, such as inheritance, gift and will. Additionally, a commonly used transfer method is through a written agreement known as a License. The legal basis for this license agreement is regulated in Government Regulation no. 36 of 2018 concerning Recording of Intellectual Property License Agreements (PP 36/2018). Every holder of intellectual property rights has the right to grant intellectual property rights to other parties to exercise economic rights as regulated in laws relating to IPR. The license agreement covers all permitted actions and is valid during the license period, unless agreed otherwise. However, there are prohibitions regulated in Government Regulation No. 36/2018 regarding licensing agreements. Article 6 of Government Regulation No. 36/2018 states several provisions that are prohibited in licensing agreements, including, they must not harm the economy and national interests of Indonesia, they must not contain restrictions that hinder the ability of the Indonesian people to transfer, control and develop technology. Prohibitions also include provisions that can cause unfair business competition and conflict with laws and regulations, religious values, morality and public order.

Regarding IPR violations, dispute resolution can be carried out through two main channels, namely litigation and non-litigation. The litigation route involves the courts, where disputes can be resolved in the District Court or Commercial Court, especially for cases of copyright infringement. On the other hand, non-litigation channels offer Alternative Dispute Resolution (Alternatif Penyelesaian Sengketa/APS) such as arbitration, mediation, conciliation and negotiations outside of court. Recovery actions may vary depending on the resolution path. If the settlement involves civil action, the recovery action includes compensation for losses, termination of the violation, and confiscation of goods resulting from the violation. Meanwhile, if the settlement is carried out through criminal means, prosecution can lead to prison sentences and/or fines. In the administrative aspect, recovery actions involve freezing or revoking business permits, payment of unpaid taxes or import duties, as well as re-exporting goods resulting from violations.

D. CONCLUSION

Rapid technological developments have encouraged the emergence of the creative economy as a main concept in the new economic era. The creative economy relies on creativity and innovation as the main pillars, requiring the contribution of various business actors who are able to present new ideas and innovative thinking. Intellectual Property Rights (IPR) play a central role in

supporting the creative economy. Legal protection of intellectual property is a form of appreciation for the efforts and dedication of creators, inventors and designers who contribute to producing new innovations. This protection also aims to minimize the occurrence of intellectual property violations, create an environment conducive to creativity, and support the development of the creative economy sector. However, Indonesia still faces major problems related to the lack of public awareness and education regarding intellectual property. This problem is the root of various other obstacles faced. By increasing awareness and education, it not only creates legal protection for creators, but also creates a positive psychological impact. With legal certainty, creators, inventors and designers feel more secure and motivated to continue innovating. Therefore, there needs to be a joint effort from the government, industry players and society to overcome this problem in order to strengthen the creative economic ecosystem in Indonesia.

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