

## Legal Protection Of Intellectual Property Rights In The Utilization Of Lecturers' Works

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### Abstract

Intellectual Property Rights (IPR) are rights to ownership of works that arise or are born due to intellectual abilities in the fields of science and technology. These works are intangible objects as a result of the intellectual ability of a lecturer in the field of science and technology through his creativity, taste, initiative and work. Besides that, Intellectual Property Rights is a legal instrument that provides protection for one's rights to all the results of creativity and the embodiment of intellectual works and gives the owner the right to enjoy economic benefits from the ownership of these rights. The purpose of this study is to find out to what extent the protection of intellectual property rights in the benefits of the work of lecturers, the results of this study use a normative juridical approach, namely library law research which is carried out by examining library materials or secondary data by prioritizing the protection of intellectual property rights. from the results of research and dedication. In the Higher Education environment, legal protection for Intellectual Property Rights is a form of producing an investment that obtains copyrights and patents, therefore the protection of intellectual property is absolute to be supported, facilitated and facilitated by all parties.

**Keywords:** *Legal protection, Intellectual Property Rights, Lecturer's Work*

### A. Introduction

Intellectual Property Rights or Intellectual Property Rights which in foreign languages are often referred to as IPR terms are obtained from Intellectual Property Rights (IPR) which have been regulated in Law Number 7 of 1994 and concerning the ratification of the World Trade Organization (WTO). That the government is serious about supporting a free and open economic system, the higher the quality produced will spur the development of technology that supports this need.

Therefore, the need for the role of intellectual property rights in supporting a technological development. If we look at the applications for intellectual property rights, including copyrights, trademarks, patents and industrial designs, quite a few have been submitted to the Directorate General of Intellectual Property Rights, Ministry of Justice and Human Rights. Moreover, with Indonesia's participation as a member of the WTO and the consequences of implementing TRIPS (Agreement on Trade Related Aspects of Intellectual Property Right).<sup>1</sup> Moreover, with Indonesia's participation as a member of the WTO and the consequences of implementing TRIPS (Agreement on Trade Related Aspects of Intellectual Property Right).

The role of government from various institutions and institutions, both in the government and private sectors, requires a solid coordination from all parties to support and achieve maximum results in the effective implementation of intellectual property rights. Intellectual Property Rights (IPR) are rights related to property arising from human intellectual abilities. Intellectual property rights can be divided into two categories, namely Copyright and Industrial Property Rights which include brands, industrial design patents, integrated circuit layouts, trade secrets and plant varieties.

The HKI system is a private right. This is where the characteristic of HKI is. A person is free to apply for or register his intellectual work. The exclusive rights granted by the state to individual IPR actors are nothing but an appreciation for their work and so that others are stimulated to further develop it, so that with the IPR system the interests of the community are determined by the market mechanism. The IPR system supports the establishment of a good documentation system for forms of human creativity so that the possibility of producing the same technology or other works can be prevented. With the support of this good documentation.

It is hoped that the community can make maximum use of it for their living needs or develop further in order to provide high added value.<sup>2</sup>

<sup>1</sup> Direktur Jenderal Industri Kecil Menengah Departemen Perindustrian, *Kebijakan Pemerintah dalam Perlindungan HAKI dan Liberalisasi Perdagangan Jasa Profesi di Bidang Hukum* ( Jakarta : Direktur Jenderal Industri Kecil Menengah Departemen Perindustrian, 2007)

<sup>2</sup> Buku Panduan Hak Kekayaan Intelektual Direktorat Jenderal Hak Kekayaan Intelektual Kemntrian Hukum dan Hak Asasi Manusia R.I ( Jakarta: Direktur Jenderal Hak Kekayaan Intelektual, 2013)

Understanding of IPR in Indonesia is still not working optimally, therefore Universities Research and Development Institutions (R & D) play a very important role as one of the income generators. Universities have the potential to produce intellectual property rights that have economic value, this is contained in an optimal management of intellectual property rights based on the results of the tridharma of higher education which includes research and community service which can be used as income generating activities in all activities which will be able to be highly competitive in the tridharma.<sup>3</sup>

The most important aspect when it comes to protecting intellectual works is the legal aspect. Therefore, the law must be able to provide protection for intellectual works, so as to be able to develop the creative power of the community which will later produce works that lead to intellectual property rights. Therefore, the researcher intends to conduct research with the title of perception of intellectual property rights in the usefulness of lecturers' work. Based on this description, the problem in this research is how to the perception of intellectual property rights in the usefulness of the lecturer's work.

## **B. Research Methods**

This research uses a normative juridical approach, namely library law research which is carried out by examining library materials or secondary data. This research was conducted in order to obtain materials in the form of theories, concepts, legal principles and legal regulations related to existing problems, namely the perception of intellectual property rights in the usefulness of lecturers' work.

## **C. Discussion**

### **1. Perception of Intellectual Property Rights in the Benefit of Lecturer's Work.**

Intellectual Property Rights (HKI) began to be introduced and popularized to universities. Especially for lecturers. In 2016 many universities received training and socialization about the importance of IPR. As a developing country, Indonesia clearly lags far behind developed countries in terms of findings and research. There are many factors, one of which is the level of awareness of lecturers/researchers/inventors of Intellectual Property Rights. Thus, the results of research and findings are few that are

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<sup>3</sup> Krisnani Setyowati, *et al.*, *Hak Kekayaan Intelektual dan Tantangan Implementasi di Perguruan Tinggi* ( Bogor: Kantor HKI IPB 2005)

registered in the state archives. In other words, the level of public awareness and appreciation of the work of Intellectual Property Rights is still quite low.

IPR socialization for lecturers is expected to be able to increase the work that is registered at the ministry of law and human rights. Remember, before being socialized about IPR, many works have not been patented. Unpatented works are at risk of being acquired and plagiarized by others. When this happens, the author can do nothing. Intellectual Property Rights are important for lecturers, considering that lecturers are identical with research results. IPR socialization is expected to encourage the registration of academic works to the Ministry of Law and Human Rights. Thus, the lecturers obtain copyright and patent rights legally. On the other hand, copyright will provide protection for the lecturer's work, if his work is plagiarized.<sup>4</sup>

A lecturer is an educator who has a very important role in the world of education. One of the pillars of the tridharma in higher education is research, besides that there is teaching and dedication that must be carried out in its work in the world of education. Higher education is an institution that produces investment works that can protect intellectual property rights. Lecturers who carry out or carry out research activities should get legal protection for the results of their research, especially in the fields of patents and copyrights.

In addition to copyright protection, there are also laws related to patents. The Patent Law regulated in number 3 of 2016 regulates the definition of patents, patent holders, substantive requirements regarding patents, types of patents, patent subjects, patent procedures and specifications for patent applications. This law also discusses the period of patent protection, patent cancellation and the rights and obligations of patent holders. Patenting IPR can be done for all products and works that have benefits. Patented works are works that provide benefits and empowerment for human life. Exclusive works are easier to patent, which is then this process is called copyright.<sup>5</sup>

In his opinion, if a lecturer is to conduct research, at least he must know the process of understanding or giving meaning to an information on a stimulus, within the

<sup>4</sup> Nabil Zurba, *Mangrove dan Strategi Penggelolaannya*, Universitas Teuku Umar – Aceh , 2017

<sup>5</sup> Irukawa Elisa, *Peranan Penting Hak atas Kekayaan Intelektual (HaKI) untuk Hasil Penelitian Dosen* (Dunia dosen, 2017)

scope of IPR, especially in Copyright and Patents. The regulations regarding IPR are Law No. 28 of 2014 which regulates and includes, the definition of creation, protected works, and procedures for recording copyright to the Intellectual Property Rights Institution. Besides that, there are still those related to the results of lecturers' research, namely about patents contained in Law Number 3 of 2016.

A patent is an exclusive right granted by the state to its investors for the results of their investments in technology, for a certain time to carry out their own investments for other parties to implement them. Meanwhile, an invention is 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 process or a product. Therefore, the resulting party in an employment relationship is the employer. Lecturers can also obtain patents from their work as long as there is an agreement with the university on the results of their inventions for the wider community. In this context, it is necessary to make and confirm in a Collective Labor Agreement with Universities through Research and Community Service Institutions by stipulating that lecturers have the right to patents from investments made through research activities.<sup>6</sup>

Intellectual Property Rights in this study are devoted to lecturers who make discoveries whose results will be patented and related copyrights for the benefits of the works of lecturers are highly expected and needed by the community, efforts to protect an academic work of lecturers who have conducted research are required to register their findings to Intellectual Property Rights (IPR).

Intellectual Property Rights are intangible assets that originate from someone's intellectual property, besides that Intellectual Property Rights is the right to enjoy economically the results of intellectual creativity. Objects regulated in IPR are works that arise or are born due to human intellectual abilities. The doctrine of legal protection of IPR must be applied effectively and binding on everyone, so that IPR owners are obliged to register themselves and be proven by a certificate of registration.<sup>7</sup>

<sup>6</sup> Abdulkadir Muhammad, Kajian Hukum Ekonomi HAK Kekayaan Intelektual( Bandung:PT.Citra Aditya Bakti, 2007)

<sup>7</sup> Yusuf Arifin dan Siti Rodiaj”Perlunya Hak Kekayaan Intelektual di Perguruan Tinggi” <http://klinikhaki.unpas.ac.id/perlunya-hak-kekayaan-intelektual-hki-di-perguruan-tinggi/2015>.

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#### D. Conclusion

1. In the Higher Education environment, legal protection of Intellectual Property Rights as a form of producing an investment that obtains a patent, therefore the protection of intellectual property is absolutely necessary to be supported, facilitated and facilitated by all parties.
2. Through Intellectual Property which can have moral values, lecturers will automatically be branded as creators
3. Improving the management of Intellectual Property of Higher Education in order to be able to seek the establishment of IPR centers in accordance with existing capacities.
4. Lecturers in higher education are expected to have a high awareness of the importance of IPR in the tridharma

#### BIBLIOGRAPHY

- ArifinYusuf dan Siti Rodiaj, 2015 *Perlunya Hak Kekayaan Intelektual di Perguruan Tinggi* <http://klinikhaki.unpas.ac.id/perlunya-hak-kekayaan-intelektual-hki-di-perguruan-tinggi/,2015>.
- Buku Panduan, Direktur Jenderal Hak Kekayaan Intelektual , 2013 Hak Kekayaan Intelektual Direktorat Jenderal Hak Kekayaan Intelektual Kemntrian Hukum dan Hak Asasi Manusia R.I , Jakarta:, 2013
- Direktur Jenderal Industri Kecil Menengah Departemen Perindustrian, 2007 *Kebijakan Pemerintah dalam Perlindungan HAKI dan Liberalisasi Perdagangan Jasa Profesi di Bidang Hukum*, Jakarta
- Irukawa Elisa, 2017, *Peranan Penting Hak atas Kekayaan Intelektual (HaKI) untuk Hasil Penelitian Dosen* , Jakarta Dunia dosen,
- Krisnani Setyowati, *et al.*, 2005 *Hak Kekayaan Intelektual dan Tantangan Implementasi di Perguruan Tinggi*, Bogor: Kantor HKI IPB
- Muhammad, Abdulkadir, 2007 *Kajian Hukum Ekonomi Hak Kekayaan Intelektual* , Bandung:PT.Citra Aditya Bakti.
- Nabil Zurba, 2017 *Mangrove dan Strategi Penggelolaannya*, Universitas Teuku Umar – Aceh.



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