

# Perlindungan paten atas invensi-invensi dari sentra hak kekayaan intelektual Pusat Inovasi Lembaga Ilmu Pengetahuan Indonesia (Pusinov LIPI) = Protection of patent inventions from intellectual property rights center of innovation center for Indonesia Institute of Sciences (Pusinov LIPI)

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## Abstrak

Konsep HKI berperan memberikan perlindungan hukum terhadap hasil invensi litbang para peneliti di Indonesia. Perlindungan hukum atas hasil invensi litbang para peneliti sangat penting dalam rangka mendukung pembangunan iptek di Indonesia. Peraturan perundangan di bidang HKI yang turut memberikan perlindungan terhadap hasil litbang para peneliti salah satunya adalah Undang-undang Nomor 14 Tahun 2001 tentang Paten dan Undang-undang Nomor 18 Tahun 2002 tentang tentang Sistem Nasional Penelitian, Pengembangan dan Penerapan Ilmu Pengetahuan dan Teknologi. Tetapi peraturan tersebut dalam tataran implementasi tidak sesuai dengan yang diharapkan. Selain itu, meskipun telah ada perlindungan atas hasil invensi khususnya Paten namun jumlah perolehan Paten hasil invensi masih rendah. Oleh karena itu, Pemerintah memberikan insentif Raih HKI dan Sentra HKI untuk mendorong dihasilkannya invensi yang berorientasi Paten. Salah satu sentra HKI adalah Pusat Inovasi Lembaga Ilmu Pengetahuan Indonesia (Pusinov LIPI). Pusinov LIPI diharapkan menjadi pusat pengelolaan HKI dan mendorong peneliti menghasilkan invensi yang berorientasi Paten. Namun kenyataannya Pusinov LIPI mengalami kendala dalam mendorong dihasilkannya invensi yang berorientasi Paten. Kendala tersebut meliputi aspek kelembagaan dan aspek regulasi. Kendala dalam aspek kelembagaan yaitu belum adanya dukungan yang memadai dari lembaga induk; terbatasnya Sumber Daya Manusia (SDM), biaya operasional, dan sarana/prasarana; struktur sentra HKI belum solid secara kelembagaan; Sentra HKI masih cenderung berkuat pada pendaftaran HKI para peneliti saja; serta peneliti kurang memahami akan pentingnya HKI. Sedangkan kendala dalam aspek regulasi meliputi regulasi terkait royalti dalam Pasal 12 UU Nomor 14 Tahun 2001, regulasi terkait Insentif Perpajakan dalam Peraturan Pemerintah Nomor 35 Tahun 2007, dan regulasi terkait besaran anggaran penelitian.

.....The concept of intellectual property rights (IPR) play a role to provide legal protection for the invention of research and development (R & D) to the researchers in Indonesia. Legal protection of the R & D invention from researchers is essential in order to support the development of science and technology in Indonesia. The IPR legislations to protect R & D invention are Law of The Republic of Indonesia Number 14 of 2001 on Patent and Law of The Republic of Indonesia Number 18 of 2002 on National System of Research, Development and Application of Science and Technology. But the rules in the context of developing science and technology in Indonesia precisely at the level of implementation is not as expected. Moreover, the number of patents invention still low although there are legislations about Patent and other IPR. To overcome this problem, Government provides incentives Earn IPR and IPR Center to encourage patent-oriented research. One of the IPRS center is the Center for Innovation has established Indonesian Institute of Sciences (Center for Innovation Indonesian Institute of Sciences). Center for Innovation Indonesian Institute of Sciences expected to be the center of the management of IPR and to encourage

patent-oriented research. But the fact, Center for Innovation Indonesian Institute of Sciences have problems in pushing patent-oriented research. The problems are in institutional and regulation aspects. Institutional aspects are the absence of adequate support from the parent institution; the limited human resources, operating costs, and facilities / infrastructure; structure of the solid center of IPR has not been institutionally; center for innovation still tend to dwell on the registration of IPRs the researchers only; and researchers do not understand the importance of IPR. While the constraints in the regulatory aspects related to the regulation include a royalty under Article 12 of Law Number 14 of 2001, regulations related to Tax Incentives in Government Regulation No. 35 of 2007, and regulations related to the amount of research budgets.