

Sistem perlindungan hukum di Indonesia terhadap hak pemegang paten obat dalam impor paralel = The protection of drug patent holder's right against parallel importation in Indonesia's legal system

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Abstrak

Fokus skripsi ini adalah untuk menelaah lebih jauh bagaimana impor paralel obat paten terjadi dan bagaimana peraturan-peraturan dari instansi terkait menerapkan perlindungan terhadap hak Pemegang Paten Obat tersebut. Dengan demikian, skripsi ini meneliti segala regulasi terkait isu impor paralel baik dari UU No. 14 Tahun 2001 tentang Paten serta peraturan-peraturan yang diterbitkan Kementerian Perdagangan, Kementerian Kesehatan, Direktorat Jenderal Bea Cukai, dan Badan Pengawas Obat Makanan. Sejauh ini, hanya BPOM dan Kemenkes saja yang sudah melindungi kepentingan Pemegang Paten terkait impor paralel obat paten, sedangkan instansi lainnya belum melihat urgensi dalam mengenali impor obat paten ini dan belum ada peraturan yang mengaturnya secara spesifik.

.....The focus of this thesis is to further evaluate parallel importation of patented drug and how regulation from related departments protect the drug Patent Holder's right. Thus, this thesis will refer to the issues of parallel importations in relation to Law no. 14 Year 2001 regarding Patents and other regulations published by the Minister of Trade, Minister of Health, Director General of Customs, and Food and Drug Supervisory Body. To date, only the Food and Drug Supervisory Body and Minister of Health have given adequate protection to the Patent Holder against parallel imports, while other governmental bodies have yet to recognize the urgency of acknowledging the importation of patented drugs therefore no such regulation has been specifically made upon it.