

TRADE ASPECTS RELATED TO INTELLECTUAL PROPERTY RIGHTS:

THE NEW CHALLENGE ON DISRUPTION ERA

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From the Perspective of Indonesian Business Law***

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Gelanggang Mahasiswa

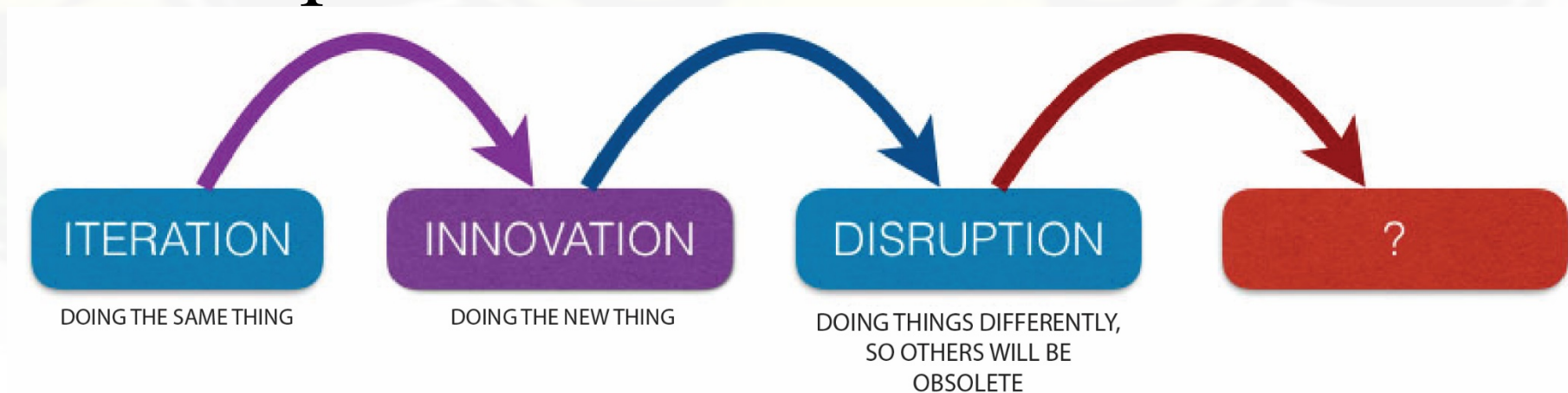
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Objectives

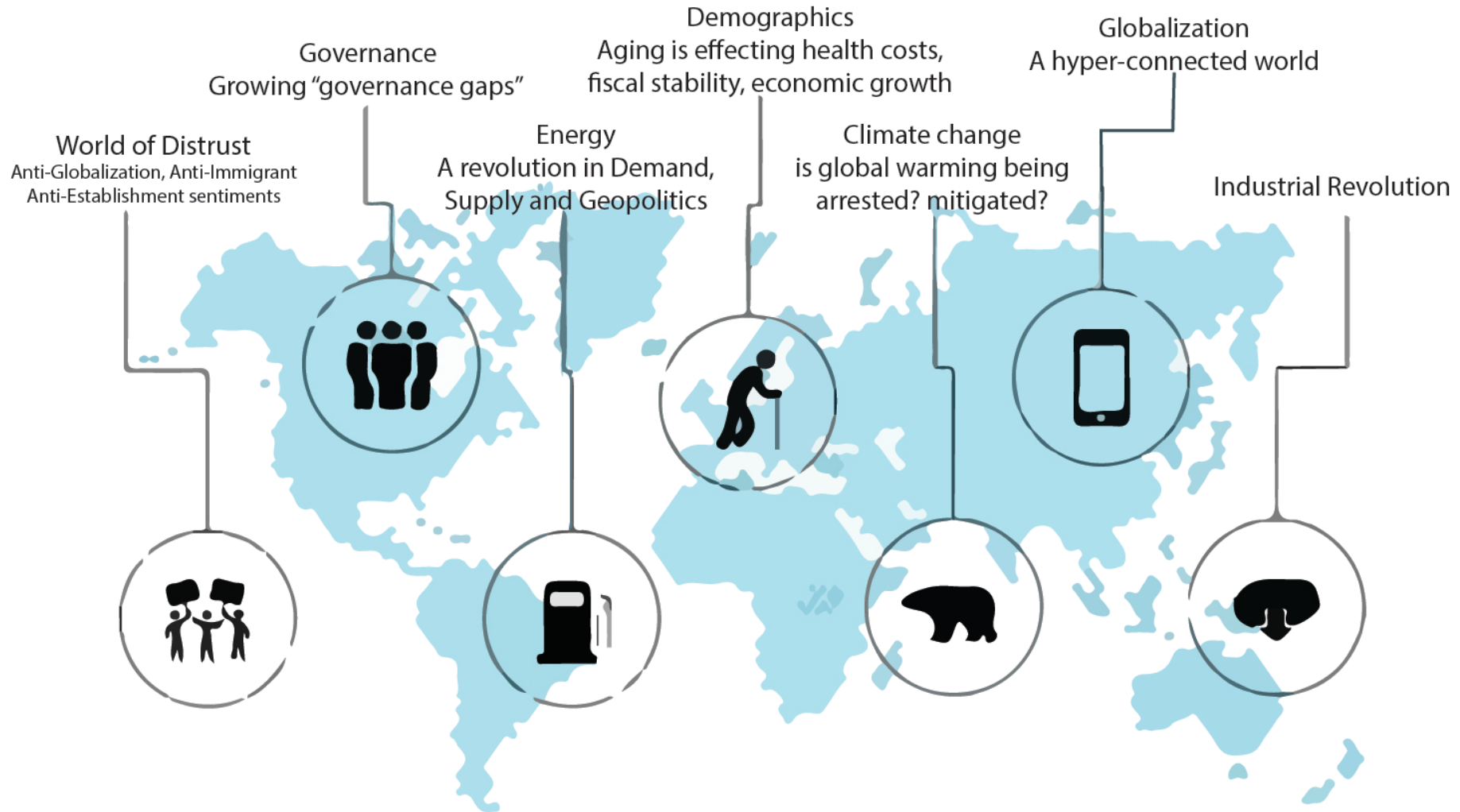
- To discuss the relation between trade and Intellectual Property Rights (IPR)
- IPR in private law system
- Its implications on politics, economics, and reconstitution of social order
- The role of university; to enhance HR potential
- Indonesia's opportunity with traditional knowledge and geographic indication.
- To open our mind in regards of the situation

Disruption Era

- Disruption Era : Era of dramatic, rampant, and incessant political change.
- Predictions about the future can no longer be based either on conventional wisdom or historical precedent.



Disruption Era



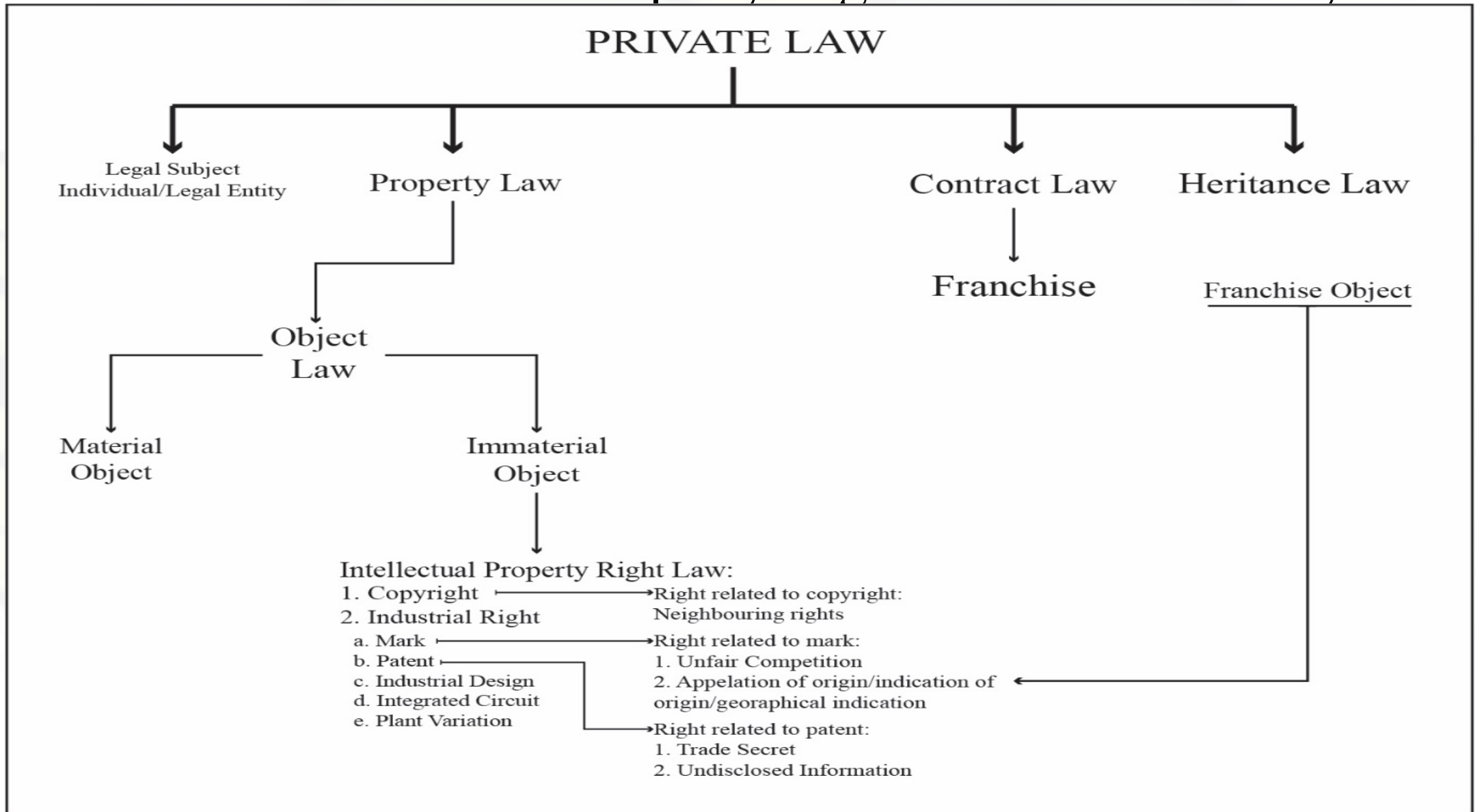
Upcoming Global Competition

- The competition will no longer be based on natural and human resources.
- Not on weaponry and advanced technology acquisition.
- The winner: Country with the most Intellectual Property Rights (Patent, Trademark, Literature, Industrial Design, etc.)

Global Competition: Winner

- Dominates most of IPR (ownership of literary and artistic works, inventions (patents) and trademarks)
- Dominates the science, trademark, industrial design, integrated circuits, the new plant variation.

Position of Intellectual Property Right in Private Law System



Disruption Era: *Implications on politics*

- Increasing demand for better security and well-being.
- Trade policy becomes even more dependent on bilateral treaties, rather than multilateral arrangements.
- Decades of foreign policy ‘norms’ are about to be rewritten

Disruption Era: *Implications on socio-cultural*

- Paradigm shift
- Global Alliances shift
- Shift in norms
- Public skepticism on government actions
(World of Distrust)

Disruption Era: *Reconstitution of Social Order*

- Human societies have been subject to a relentless process of modernization
- Human beings are by nature designed to create moral rules and social order for ourselves
- Increasing individualism
- The changing nature of work

The Role of University

- University as the “kitchen” to create intellectual works
- Research and development in certain faculties
- Science achievement of University and it will be the cause of the birth of Intellectual Property Right
- University must collaborate with industrial manufacturing
- **University must be able to be the conductor and able to create the “patron”, melody and song in a harmony for the performance of an orchestra and colossal dance of art show in national stage of Indonesia**

Traditional Knowledge: *Indonesia's Opportunity*

- Traditional Knowledge: knowledge passed on generations from certain society
- As knowledge, it is protected as part of copyright protection in science, art and literature
- The use of traditional knowledge without consent (this is because the traditional is an anonym knowledge) is not seen as violation or missed appropriation
- Protection of Traditional Knowledge with IPR.
- Indonesia must do more research on the potential of Traditional Knowledge to improve it to become patent

Geographic Indication: *Indonesia's Opportunity*

- Geographic Indication: a sign showing the origin place of good and/or product
- Because of the geographic including nature factor, human factor or the combination of the factors certain reputation, quality and characteristic is created on the goods/products created
- The strengthening must be done by anticipating and using the potential of Intellectual property right possessed by Indonesia to prevent the registration of local product that has the potential of geographic indication

Conclusion

- Disruption era is an era where change happens quickly in socio-cultural paradigm where every cross-border trade activity (or even local) must be related to Intellectual Property Right Law.
- Intellectual Property Right must be the concern of Universities in Indonesia as a place where many research and inventions are created.
- Indonesia, for the future, must be able to reconstitute the law and social order adapting to cultural values of the society
- Indonesia must put more emphasize on Traditional knowledge and geographic indication as an opportunity in global competition.