

Development Intellectual Property (Ip) Dispute Resolution In Digital Industries For Ip Attorneys As Legal Profession

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ABSTRACT

Basic principles regarding ownership of protection in the Intellectual Property (IP) System is classified as exclusivity individual property rights/ IPR (known as Exclusive rights). IP Attorneys involved and committed to the development of IP in the future digital industry going forward, not only for policy makers but all stakeholders (including the IP Attorneys Profession) for example the importance of data for financial technology (Fintech), Artificial Intelligence (AI), Innovation in digital trade, and the Internet of Things (IOT), which has implications for aspects of Intellectual Property In several laws practices that the Parties can settle through dispute resolution outside the court. IP owners often deal with complex contractual relationships that involve the parties in different forms of cooperation in research and development, production or commercialization of IPR. This includes cases in relation with IP assets that are exploited across national borders, so disputes involving IP may be related to many jurisdictions. This article structured is to discuss for the new forms of IP dispute resolution models driven by the parties an overview of the different forms that digitalised lawyering and exploring recent developments concerning On-line Legal Platforms (OLP) and Online Dispute Resolution (ODR) as the evolutions in the use of all in law regime. The most important aspect is the legal protection and deal with law proceeding in dispute settlement forum. The law of choice of forum should be able to provide protection for intellectual property works so that the people is able to develop their creations which ultimately lead to the success of Intellectual Property Rights protection.

Keywords: Intellectual Property (IP) Attorneys, Mediation and Negotiation, Online IP Dispute Resolution.

Introduction

1. Backgrounds

The development of trade either national and international that produce industries similar products is getting higher in digital industry competition. Consumers loyalty and quality of particular product and services is the best in its field is the existence of recognition from the public (brand recognition), where this recognition does not necessarily, but must go through the process of a hard work of the stakeholders with various strategies that they have accompanied by evidence in the form of tangible results that it can be accepted and recognized by the community.

These strategies include innovation in the field of technology in creating an innovative products and/or services, namely by creating products that have never existed before including innovation in the form of efforts to complement/perfect existing products. Innovation as a business strategy is an intellectual work that is an intellectual property rights (IPR)¹ that not only needs to be rewarded but also protected. Protection of Intellectual Property is inseparable from the efforts of the State in guaranteeing protection of intellectual property rights through strong legal instruments in the sense of having "forced power" in the form of criminal or civil sanctions for violations. Legal certainty that guarantees protection of intellectual property assets will stimulate industries to continue to develop themselves through their innovations which will certainly enliven the local local industrial market to compete with products from abroad.

¹ The acronym HAKI /HaKI/ HKI is a translation of Intellectual Property Rights, previously this understanding was better known as HAKI /HaKI, before finally in the whole agreed with the aronym HAKI as H K I / IPR. And in its development, the acronym IPR as a Directorate General of Intellectual Property Rights (IPR) under a system subscription from the Indonesian Ministry of Law and Human Rights., Also see Zen Umar Purba., Paper presented at a national seminar organized by KADIN, Jakarta 31 January 2001., page. 2
Based on the Decree of the Minister of Law and Republic of Indonesia Law No. M.03.PR.07.10 of 2000 and Approval of the State Minister for Administrative Reform in Letter Number 24 / M / PAN / 1/2000 the term "Intellectual Property Rights" (without "Above"), can be abbreviated with "H.K.I."

A creation or innovation derived from human thought within the scope of IPR protection, there are strict limits between the development of a technology or copyrighted work as part of previous innovations², but which is often used as an excuse for an industry, namely on the grounds that its products are the result of the development of existing intellectual property. Common problems that often occur have an impact on the development of the creative industry in the country, as if it can be said to make something new does not get protection / appreciation because it will only be easily traced or hijacked. These industries (in the sense of corporate actors) often do not think about or do not care about the further consequences of cheating, which is very detrimental to the owners / holders of actual IPR. If a duplicated product is of good quality, then the act is still a complication of the reputation or popularity of the previous product, but if it turns out the duplication work is of poor quality, even to the point of endangering human health or safety, it can destroy the good reputation of an industry owned by the actual IPR owner. As a result, the business reputation and trust (trust) of the community that has been built with hard work over the years has a bad result because of the illegal actions of the parties who are not responsible.

Basic Principles Ownership protection in the Intellectual Property System is classified as intangible individual property rights (known as Exclusive rights), with qualification among others:³

- Exclusive Rights, shall mean The owner or holder of the rights concerned can within a certain time obtain it in order to publish, reproduce, distribute.

² The opposite condition or reasoned in good faith - when in fact there is intention (bad intentions) or "bad faith" that is to ride the popularity of a certain brand / business reputation of another party for the benefit of its business and worse, the community in this case the market will associate a duplicated products are considered to be the same as the original products that already existed.

³ Suyud Margono, "*Protection & Enforcement of Intellectual Property Laws for Stakeholders in Economic Governance*". Focus Group Discussion: "Preparation of Background Study for RPJM N 2025-2029 in the Legal & Regulatory Sector, Implementation and Enforcement of Intellectual Property Law, Ministry of National Development Planning (BAPPENAS) Republic of Indonesia, Wednesday, 22 November 2023.

- Other related rights shall mean exclusive approval, permission to other parties to implement them (License to the commercialization phase)
- Exclusive Rights, including Moral Rights for Creators, Authors, Inventors.
- The right to exclude other parties, shall mean prohibits acts of announcing, reproducing, or distributing, etc., except with the permission of the owner or right holder concerned.

Appreciation for innovation and creativity, this is where the strategic role of the IPR Attorneys to be involved and committed to the development of IP in the future. Challenges in the digital industry going forward, not only for policy makers but all stakeholders (including the IPR Consultant Profession) arising from developments, for example the importance of data for financial technology (Fintech), Artificial Intelligence (AI), Innovation in digital trade, and the Internet of Things (IOT), which has implications for aspects of Intellectual Property Rights (IPR) for the spread of cross border data flows (Cross border data flows) will be one of the most important considerations for IPR in the future given the implications for intellectual property (IP), including privacy rights, competition, trade, compliance and innovation.

To avoid the foregoing, this is where the role of IP Attorneys in a business line of an industry from the initial stage, namely from the planning of a product to the launch of the product to the market. Considering that in an industry it is not only needed creative people who can only be demanded to find ideas or new things in terms of products, but also absolutely necessary a good strategy to protect all assets of intellectual work in the form of ideas or innovations that is the key to a company's success. It is a false perception when considering the role of IPR Attorneys as merely tools or means for applying for registration of Intellectual Property or their licenses. On the contrary, the role of IPR Attorneys is needed in the business flow of an industry from the beginning, namely from the planning stage of a product to the launch of the product to the market.

The existence of false perceptions coupled with a lack of understanding as well as awareness of business actors for

the protection of intellectual property rights makes rampant acts of piracy an illegal act, but the state and interested parties cannot do much because their intellectual property rights have not been submitted for protection.⁴ Some of the causes of disputes/cases on Intellectual Property (IP) Rights in general are:

- Unclear ownership status à including causing a IP Cancellation lawsuit;
- Use of IP Products or services without the permission of the owner/Licensing Rights Holder (Violation);
- Failure to fulfill the IP licensing agreement (Breach of contract or IP licensing)).

Causes of Intellectual Property Rights (IP) disputes/cases in the Trademarks (Brands) Sector, among others:

- Trademarks matters in relation with Similarity and Totally Identical basis;
- Well-Known Marks Claims/Lawsuits;
- Registered Trademark Cancellation Lawsuit (based on Bad Faith Applicant & First To File);
- Counterfeiting Trademark on goods (Compensation Lawsuits and Criminal Reports);
- Take advantage of Trademarks popularity, brands unfair competition (products/services);
- Lawsuit against the Decision of the Mark Appeal Commission (Refusal of Trademark Registration).

Fraudulent Business Practices Using IP (Brands) shall make harming or Consumers Misleading, hereby forms of misleading actions towards users/consumers in determining products (goods/services):

- Generally fraudulent practices from Trademarks in consumer goods, lifestyle and trend products;
- Business actors use Trademarks labels, this matters shall make consumers confusing (associate/ confuse);
- Similarities/ identical brand's labels are visible because of the form of trade dress/ business.

Generally Introduction of Intellectual Property Dispute Resolution as positive law are based on the

⁴ https://www.kompasiana.com/nadyadjajadiningrat/role-consultant-intellectual-property-rights-in-business-and-industry-why-needed_5554677b6523bdc5144aeff1

construction which is harmonized with the provisions of the WTO (TRIPs Agreement), meaning that IP regulations are part of international trade which requires commercial dispute resolution in all areas of Intellectual Property Rights:

- Trade Secrets, Law Number 30 of 2000.
- Industrial Designs, Law Number 31 of 2000.
- Integrated Circuit Layout Designs , Law Number 32 of 2000.
- Patents, Law Number 13 of 2016.
- Trademarks, Law Number 20 of 2016.
- Copyrights, Law Number 28 of 2014.
- Protection of Plant Varieties, Law Number 29 of 2000

The resolution of IP disputes falls under the authority of the Commercial Court as regulated in the Law, for example as follows:⁵

- Industrial Designs Cases (Article 46, Law Number 31 of 2000).
- Patents Cases (Article 117, Law Number 13 of 2016).
- Trademarks Cases (Article 76, Law Number 20 of 2016).
- Copyrights Cases (Article 55, Law Number 28 of 2014).

Intellectual Property (IP) Attorney's as Professional in the field of intellectual property in Indonesia update⁶ according to and promulgated Government Regulation which is as regulated that provision acting as "people who have expertise in the field of intellectual property and are registered as Intellectual Property Attorneyss, and specifically provide services in the field of submitting and managing intellectual property applications"

Based on Article 12, Government Regulation Number 100 Year 2021 that Intellectual Property Attorney has expertise in the field of intellectual property, among others:

- provide services in the field of submitting and managing intellectual property applications.
- provide services in submitting and managing applications, Intellectual Property Attorneys. In this matters must have

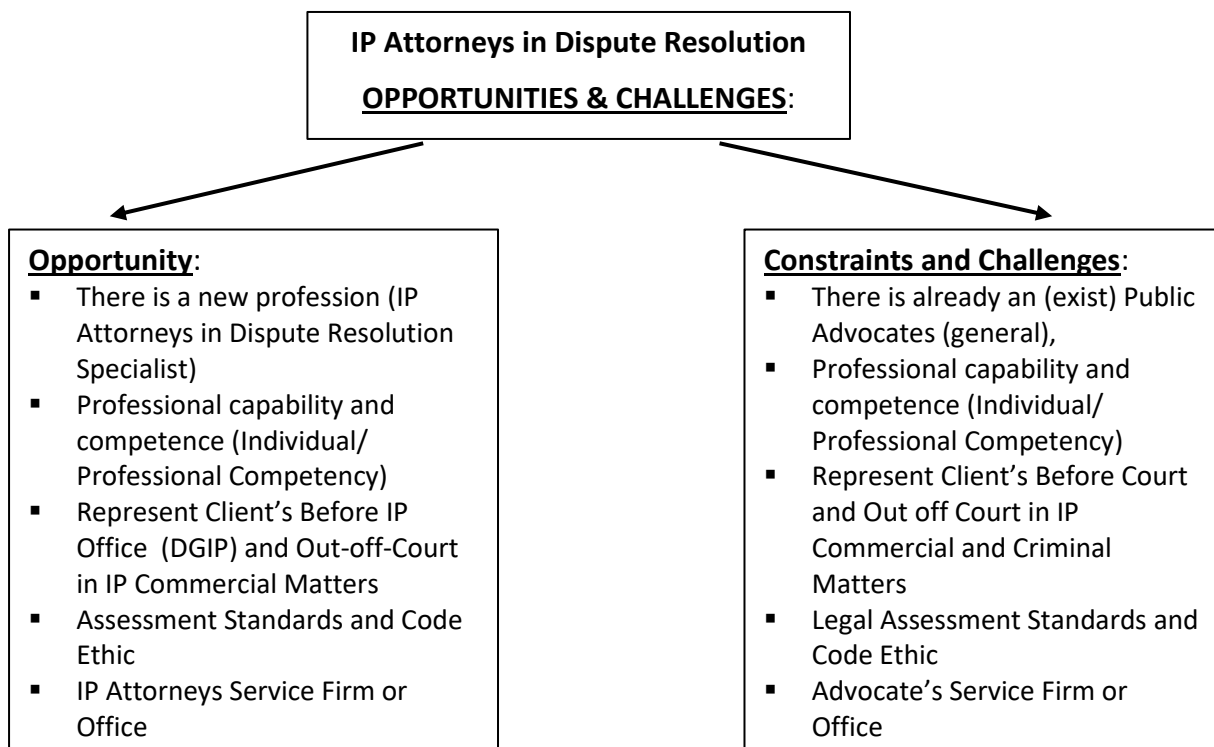
⁵ Note: Trade secrets dispute fall under the authority of the District Court (Article 11, Law Number 30 of 2000).

⁶ Government Regulation Number. 100 Year 2021 *concerning Intellectual Property Attorneyss (Promulgated September 27, 2021, TLN 2021 224, TLNRI 6726).*

a power of attorney from the service user they represent to IP Office cq Directorate General Intellectual Property (DGIP), Ministry of Law and Human Rights of Republic Indonesia.

- provide professional services in consulting in the field of intellectual property.

Flow 1. Implementation Matters of Professional Intellectual Property (IP) Attorneys in Dispute Resolution



A valuable lesson from this is Bundle of professional opportunity and discourse regarding IP Attorney's Role in Intellectual Property field under System and Protection not only In registration & recordation, but also has expertise advisory specialist in IP mediation and negotiation in the frame of dispute resolution scheme that its must be represent by Intellectual Property Attorneys, therefore frameworks in relation with this matters that IP management and dispute matters shall means opportunity and strategic development for Intellectual Property Attorneys.

Critical Study on role and challenge of the Intellectual Property Attorneys in filed of IP mediation and negotiation

dispute that its must be represent by Intellectual Property Attorneys, with the research problem, How is the role and challenge for IP (Intellectual Property) Attorneys may increase opportunity and public strategic in IP development system?

2. Research Method

This research method is intended for studies that are literary and practical works which is Intellectual Property Rights (IPR) system in relation with professional frameworks concerning specialist in IP mediation and negotiation in the frame of dispute resolution scheme.

The nature of the research in this study is prescriptive in nature. This type of research is normative research. The research material in this study is secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials. After the data has been collected, a conceptual approach is used. This research method is intended for studies that are literary and practical works which in essence are a means of infrastructure for the development of science and technology, so the applied research methodology is adjusted to the main body of knowledge in the field of law.⁷

This research is also an analysis process of observing and acting logically, methodically and systematically regarding phenomena, events or empirical facts that occur or exist around us to be reconstructed in order to reveal facts and information that are useful for life,⁸ especially for the Intellectual Property Rights (IPR) protection system in relation with the role and challenge of the IP (Intellectual Property) Attorneys in has expertise advisory specialist in IP mediation and negotiation in the frame of dispute resolution.

The research method is adapted to the research topic which is the main problem being researched by the author as part of the legal works research as described above, which is intended for the development of knowledge for society. So the research method in this scientific paper uses legal research methods with qualitative analytical descriptive. This method

⁷ Soerjono Soekanto and Sri Mamudji, *Normative Legal Research*, (Jakarta: PT Raja Grafindo Persada), 2012, p. 1.

⁸Abdul Kadir Muhammad, *Law and Legal Research*, (Bandung: PT Citra Aditya Bakti), 2004, p. 2.

emphasizes the collection and analysis of the presentation of data and facts based on the method of literature research (literary study) from secondary data.

This literary work is written based on the material collected and analyzed based on data according to the topic to be discussed. As we all know that a research is an effort made by humans to find new things and solve a problem,⁹ therefore written of this scientific paper uses an approach in the perspective of national interests, with a multidisciplinary analysis in accordance with the practical and theoretical framework of the role and challenge of the IP (Intellectual Property) Attorneys professional further has expertise advisory specialist in IP mediation and negotiation in the frame of dispute resolution.

3. Discussion and Analysis

3.1. The Role of IP (Intellectual Property) Attorneys Profile in Dispute Resolution Professional

Today's technological developments have the desire to reduce the role of the state and demands on professions that have the authorization to engage in an operational, oversight including certain settlement in an industry, as according to Roger Wisher Fisher & William Ury,¹⁰ quoted:

“Technology update is transforming the landscape of disputing which maybe handling by Legal Profession. Even more than in the past, ‘conflict is a growth industry’ as consumers have problems with goods product and services, commercial transactions, citizens identity, businesses reputations treatment, social networks, security governments, patients encounter new health care choices and everyone experiences imperfectly functioning websites. The merger of the physical world with the virtual world has brought with it a broad range of novel, complex and valuable transactions and relationships. It has also brought with it a need for new dispute resolution and prevention processes.

⁹ Bambang Sunggono, *Method of Legal Research*, (Jakarta: PT Raja Grafindo Persada), 2001, p. 27.

¹⁰ Roger Fisher & William Ury, *Getting to Yes*, Houghton Mifflin Harcourt, Boston, 1981, p. 17

Traffic in trade in goods, for example, now relies heavily on electronic transactions with the potential for infringement of intellectual property to remain and could even be greater, as Salvatore Caserta said, quoted,

“One key societal institution that is likely impacted by these developments is law and relatedly, the legal profession. Law in practices whether understood as a profession, a method of handling, soliciting and solving disputes, a tool to achieve justice. In the other hand structure in the hands of the power to protect their interests and/or more simply, an instrument to guide human behaviour, is at its core an intellectual endeavour of legal profession in handling, storing, interpreting, and sharing knowledge as well as information. Recent advancements in digital technology are precisely transforming the ways in which information is created, stored, and conveyed. Moreover, these developments are making inroads into artificial knowledge production, thereby potentially entering the intellectual and human aspect of law”.¹¹

Transaction problems related to commercialization activities Intellectual assets such as disputes arising from sale and purchase transactions, exclusive licenses, transfer of technology not only appear on transactions (contracts) that are local but also occur on international business contracts.¹² The problem that often arises is determining the legal system which country will be used. This issue is commonly known as the issue of "the proper law of contract", namely the choice of law that should be used in resolving disputes in the

¹¹ Salvatore Caserta and Mikael Rask Madsen ., *The Legal Profession in the Era of Digital Capitalism: Disruption or New Dawn.*, Laws 2019, 8, 1; doi:10.3390/laws8010001, www.mdpi.com/journal/laws, p. 2

¹² Suyud Margono, *Industrial Property Rights: Regulation and Practice in Indonesia*, PT. Ghalia Indonesia, Jakarta, 2011., p. 240. International business contracts in this case specifically only relate to individuals or private institutions which in practice involve parties who are subject to two or more different national legal systems so that if there is a dispute in the implementation of the contract, legal problems always arise and resolved.

implementation of contracts between two or more different legal systems.¹³

The emergence of IP Attorneys as a protector of creativity and innovation, therefore IPR law also needs protection, one of which is by including IP Law into the national legal system, while IPR considerations need to be protected including:

1. non-economic, that is, for findings which have no material economic value. But it can increase self actualization and be able to increase development.
2. economical. The findings that produce material benefits. This method is also used by inventors to protect their work from plagiarism against works that have been made.

Intellectual property rights in the industrial sector have an important role for the development and progress of a nation. Related to this, through IP gave birth to new innovations, high quality, standardized advanced technology. The more innovations, the more they show the high level of mastery of science and technology. Thus, it will further advance the industrial sector to penetrate the domestic and international markets. We find that the IP Attorneys profession can come from a variety of disciplines¹⁴, this is because of the responsibilities that must be carried out as a IP Attorneys handling various fields related to leading edge technology, industry, commerce and even the arts. Therefore, it will be perfect if an IP Attorneys can have a background in the field of Law and also from other fields such as engineering or other, because the basic knowledge obtained from these disciplines can support his professionalism as an IP Attorneys.

The term profession in the Second Pocket Edition Black's Law Dictionary states that "Profession: a vocation requires advanced education and training".¹⁵ Whereas in the Webster New World Dictionary, a profession is defined as a job or position that requires advanced education or training and involves intellectual expertise. Thus, the profession can be

¹³ Sudargo Gautama, *Introduction to Indonesian International Civil Law.*, Binacipta, 1987. hal. 11.

¹⁴ Based on Government Regulation Number 2 Year 2005 concerning Intellectual Property Rights Consultants.

¹⁵ Bryan A. Garner, *Black's Law Dictionary*, second Pocket Edition, St. Paul Minn, 2001, p. 560.

interpreted freely as a permanent job in a particular field based on specific expertise that is carried out responsibly with the aim of earning income.¹⁶ Another formulation of the understanding of the profession, as expressed by E.Y. Kanter,¹⁷ A profession is a designation or position in which a person who bears it has special knowledge gained through training or other experience, or is obtained through both, so that profession persons can guide or give advice / advice or also serve others in their own fields.

The existence of Intellectual Property (IP) Attorneys¹⁸ is intended to represent the Petitioner, specifically the Author / Right Holder, Brand Owner, Creator, Inventor, Designer or other interested parties in the framework of obtaining protection and submission of registration in the field of IPR to countries where each IPR field has its own characteristics and procedures. respectively. While IP Attorneys are also expected to provide various advice to IPR Applicants (as Clients in the scope of consultation), with respect to the application requirements in the field of IPR. It is important to understand that the understanding of IP Attorneys¹⁹ as power of attorney

¹⁶ Wildan Suyuthi, *Professional Ethics Code of Ethics for Judges*, IKAHI: Jakarta, no year, p. 6.

¹⁷ E.Y. Kanter, *Legal Professional Ethics: a socio-religious approach*, storia Grafika: Jakarta, 2001, p. 63.

¹⁸ The existence of IPR Attorneys in Indonesia is regulated in Government Regulation (PP) No. 2 of 2005 concerning IPR Attorneys which is the implementation of various Laws on IPR (specify the Act). Before the presence of IPR Attorneys in 1991, PP No. 33 of 1991 concerning Special Registration of Patent Attorneys governing the existence of Patent Attorneys in Indonesia which is the implementation of Law No. 6 of 1989 concerning Patents.

¹⁹ Article 1 paragraph (1) Government Regulation Number 2 of 2005 concerning Intellectual Property Rights Attorneys, is determined: IPR Attorneys are people who have expertise in the field of Intellectual Property Rights and specifically provide services in the field of filing and processing applications in the field of Intellectual Property Rights that are managed by the Directorate General and registered as a Attorneys of Intellectual Property Rights at the Directorate General at the Ministry of Law and Human Rights of the Republic of Indonesia.

The IPR Attorneys in this article is a Registered IPR Attorneys, a person who has undergone special education and is sworn in by an oath by the Indonesian Minister of Law and Human Rights, and is registered with the Directorate of Intellectual Property Rights at the Ministry of Law and Human Rights of the Republic of Indonesia.

is different from the notion of legal counsel in assisting / representing clients in or out of court or acting for and on behalf of clients in the context of seeking justice or upholding their rights, meaning that IPR Attorneys as special powers of the Applicant to apply for registration / management including dispute resolution (negotiation and mediation) services in the field of Intellectual Property practices.

AKHKI established by the majority of the 1st batch of 2006, furthermore, based on Government Regulation No. 100 of 2021 is enforced 27 September 2021 it is determined that AHKKI, as an existing organization, is still recognized as a professional organization for Intellectual Property Attorneys in the form of a Legal Entity and for all registered Intellectual Property Attorneys at the Directorate General Intellectual Property (DGIP), The Ministry of Law and Human Rights of the Republic of Indonesia has an obligation to join in 1 (one) professional organization. AKHKI is a partner of the DGIP officially as signed Memorandum of Understanding dated 25 November 25th 2021., AKHKI provides membership program and regulation for all registered Intellectual Property Attorneys such as protocol, ethic code also provided for public collaboration to promotes the national Intellectual Property system.

According to Article 29 paragraph (1) Government Regulation Number 100 Year 2021 intended that Professional Organizations are intended for the Profession of Intellectual Property (IP) Attorneys, must gather in 1 (one) Professional Organization forum. The existing Association of Intellectual Property Rights Attorneys (herein after known as AKHKI), is recognized as the Association of Indonesian Intellectual Property Attorneys (Article 32). AKHKI as an existing Intellectual Property Rights Attorneys Professional

Article 3 letter f, determines: To be appointed as an IPR Attorneys, one must meet the requirements for passing the Intellectual Property Rights Attorneys training.

Article 4 paragraph (1), determines: The training referred to in Article 3 letter f is held by a university designated by the Directorate General and

Article 4 paragraph (2) determines: The training referred to in paragraph (1) uses a curriculum determined by the Directorate General.

organization is obliged to adjust as a legal entity The Association of Indonesian Intellectual Property Attorneys has been valid to become a legal entity.²⁰

The association regularly contributes to the community by organizing workshops, seminars, discussions and trainings, observes international Intellectual Property issues, and cooperates with Intellectual Property related associations and institutions on Intellectual Property laws. Vision of AKHKI is a global professional association committed to protecting Intellectual Property, both nationally and internationally, and has a mission to enhance the nation's consciousness about the importance of Intellectual Property protection as follows:

- To provide inputs to the regulatory bodies in order to strengthen the legal and administrative system of the Intellectual Property registration;
- To uphold the professionalism and quality of its members by establishing a code of conduct for Intellectual Property Attorneys in Indonesia;
- To maintain a partnership with the Directorate General Intellectual Property (DGIP) on Intellectual Property sustainable development in Indonesia.

For member registered Intellectual Property Attorneys, should be as professional Performance obligation (based on Article 13 Government Regulation Number 100 Year 2021), among others:²¹

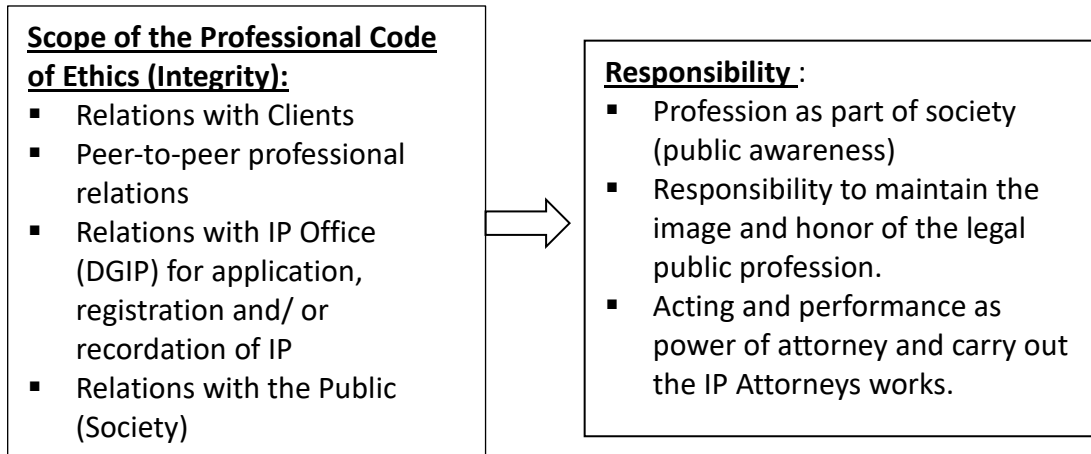
- Become a member of the Professional Organization (AKHKI);
- Reporting (updating) if there is an Intellectual Property Attorneys practice impediment (Age Limit; becoming a Public Official; resigning);

²⁰ www.akhki.or.id, AKHKI is registered Trademarks for logo and name, in several class belong Indonesia Intellectual Property Rights Attorneys Association, headquarter domicile in Jakarta City, for member registered Intellectual Property Attorneys listed in Directorate General Intellectual Property (DGIP), Ministry of Law and Human Rights Republic Indonesia.

²¹ Suyud Margono., *The Role and Challenge of The IP (Intellectual Property) Attorneys In Valuation Of IP Asset Portfolios As Collateral*, Russian Law Journal Vol.11 No.6 (2023) P.153

- Management Services (Registration and Recording of IP and Professional consulting in the field of Intellectual Property practices);
- Providing socialization and assistance services (probono) including facilitation and advocacy.

Flow 2: Intellectual Property Attorneys Professional Performance (Public Services and Ethics)



The development of the Intellectual Property Rights Attorneys Profession is very closely related (linked) to the Intellectual Property sector which is currently still generally seen in the scope of IP registration and protection within the boundaries of the State (countries territorial based IPR protections), therefore, (in the meantime) the IPR Attorneys profession solely a complementary agent for entities or individuals to obtain protection or registration of Intellectual property when a minimum requirement of an Intellectual Property must be assisted (agent by IPR Attorneys) by the IP Attorneys Profession to obtain patents to protect inventions, copyright protects films, art, literature, music, etc., brands to protect brands, naming includes geographical indications.²²

IP Attorneys office be strengthened by a team consisting of people with different and specific educational backgrounds, in order to be able to optimally serve various questions or problems raised by clients / applicants, as well as to handle specific cases as well related to inventions (Patents) in the field of technology. In the field of Patents, when an

²² Suyud Margono, <https://kliklegal.com/world-ip-day-digital-industries-dan-reposisi-profesi-konsultan-hki/>

innovator manages to discover a new technology, the IP Attorneys can confirm whether the technology is a recent invention, the process of registering the patent, by describing up to guarding the entire process until the patent application is received (patent granted). The duties of the IP Attorneys in the field of patents include ensuring that there are other parties who will "disturb" the patent.

In the field of patents, an IPR Attorneys must be able to conduct a "clearance search" so that the invention is "freedom to operate" (FTO) for a patent. The intention is to search for or trace violations against patents issued or pending patent applications. This FTO is useful for determining whether a product or process can violate the claim rights of an issued patent or patent pending application. The FTO can also search for patent data that has expired or has become a public domain that allows products or processes in a patent to be used. The FTO must be followed by a legal opinion regarding whether a product or process given to the patent violates the claims of one or more patents that have been granted or are still in the application or pending process.

In other IP fields, for example Trademarks, IPR Attorneys will provide input with one of them suggesting to do a "search" for the relevant brand, so that it can be known whether there are already similar brands for the same class of goods / services (registered / filing the registrant) beforehand and being able to oversee the whole process of registering the mark and maintaining the validity of the mark and facing objections including when there is interference from parties who want to abuse of the popular brand (trademark). IP Attorneys Professionals, in addition to being consistent in providing advice on intellectual property in each field of IP, ownership principles and all phases in the application for IP registration. An IP Attorneys must be able to provide an opinion in the form of "IP Opinion" in the form of giving an opinion on the possibility of success of an intellectual property to be registered, besides that currently the Professional IPR Attorneys can give an opinion on "IP valuation"²³ or the values

²³ Since 2017, the author as the Indonesian National Work Competency Standards Formulation Team (SKKNI) IPR Valuator Profession which was initiated by the Indonesian Creative Economy Agency (Badan Ekonomi Kreatif)/BEKRAF RI.

of an IP owned by IP Owner / Holder. The assessment includes whether an IP is appropriate or not, both for registration, extension of protection, including the economic value of the IP which is still valid.

3.2. IP Attorneys Participation in Dispute Resolution

In cases of IP violations, including disputes, differences of opinion from contracts from transactions related to IP to lengthy debates usually result in failure of the agreement process. In the area of Trademark, the efforts of brand owners to prevent other parties from imitating / plagiarizing the trademark is one of the considerations of business in which efforts to make large and reputable the brand requires time, effort and money, and no less important is a good reputation and trust from consumers, where the imitation brand has been associated with a brand that has been used by the company by consumers.

Below is a table of disputes and violations on IP infringement:

Field of IP	Descriptions of IP Infringement
Copyrights Infringement	<ul style="list-style-type: none"> • Copyright infringement is in the form of quoting, tracing, recording and announcing other people's creations without the author's permission or not mentioning the source of the creator. • Commercializing photocopies of other people's works is prohibited, because they are also counted as violations. • Piracy of videos or music without the author's permission is also a form of violation
Trademarks Infringement	Violation of the good brand brand of goods / services. It is said to violate the brand area if it has brand equality, either partly or wholly with other brands is considered a violation.
Patent Infringement	Patent infringement based on criminal acts is divided into two classifications. <ol style="list-style-type: none"> 1. Product patents, violations in the form of importing, selling, handing, renting and using for commercial use without permission.

	2. Process patents, emphasizing the production process that is patented for other actions.
Industrial Designs Infringement	Violations of industrial design are divided into three, as follows: 1. Violation of the use of other people's industrial designs without permission 2. Designing other people's industrial property without permission 3. Selling industrial designs without the owner's consent
Trade Secret Infringement	It is said to violate trade secrets if it is known to intentionally reveal agreements (either express or implied) that protect the trade secrets of a company / individual
Business Competition Violations	Generally the commercial use of Trademarks (of registered / unregistered trademarks), as follows: - Use of products of comparable quality to products protected without rights - Get a profit on the reputation and use of the product - Misleading the public regarding the origin of the product - Resulting in fraudulent competition
Imitation / Counterfeiting forms	Counterfeiting activities, for goods product, such as: 1. Product packaging / packaging 2. Information on advertisements / promotions 3. Remarks in the document 4. Information about the origin of the product

Based on the reasons above, it should be clear that efforts to settle disputes outside the court must also be a concern for IPR Attorneys when disputes arise in connection with an area of intellectual property rights that is being handled. In several laws concerning IPR it has been accommodated that the Parties can settle civil disputes through dispute resolution outside the court. IP owners often deal with complex

contractual relationships that involve the parties in different forms of cooperation in research and development, production or marketing of IP.

Problems related to IP touch various aspects such as economic, technological, industrial, socio-cultural aspects, and so on. But the most important aspect is the legal aspect / legal protection. The law must be able to provide protection for intellectual works so that the community is able to develop their creations which ultimately lead to the success of IP protection. That efforts to settle disputes outside the court must also be a concern for IP Attorneys when disputes arise in connection with an area of intellectual property rights that is being handled. Therefore, it is important to consider forming an institution that specifically handles dispute resolution in the field of intellectual property rights on the grounds that all laws in the field of intellectual property rights open up opportunities to resolve disputes in the field of intellectual property rights through arbitration or alternative dispute resolution.²⁴

Arbitration is a way to settle a civil dispute outside the general court based on an arbitration agreement made in writing by the parties to the dispute.²⁵ Whereas the definition of Alternative Dispute Resolution is a dispute resolution agency or dissent through a procedure agreed by the parties, namely settlement outside the court by means of consultation, negotiation, mediation, conciliation, or expert determination.²⁶ In practice, judges in general courts who adjudicate cases involving disputes in the field of intellectual property rights lack material control over the disputed intellectual property rights field, so that in making decisions they tend not to consider the disputed substance, but only allude to issues formality of the dispute. Based on the reasons above, it should be clear that efforts to settle disputes outside the court must also be a

²⁴ Article 12 of Law No. 30 of 2000 concerning Trade Secrets, Article 47 of Law No. 31 of 2000 concerning Industrial Designs, Article 39 of Law No. 32 of 2000 concerning Layout Design of Integrated Circuits, Article 153 of Law No. 13 of 2016 concerning Patents, Article 93 of Law No. 20 of 2016 concerning Trademarks, and Article 95 of Law No. 28 of 2014 concerning Copyrights.

²⁵ Article 1 Number 1 of Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution

²⁶ Article 1 Number 10 of Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution

concern for IPR Attorneys when disputes arise in connection with an area of intellectual property rights that is being handled.

In fact that Counterfeit Markets May Flourish during a Public Health Crisis, actually no Buyer and/ or Consumers protection guideline on IP Standar either offline or online market places:²⁷

- Counterfeits Products (Black Marketplaces);
- Product's label is misleading Consumers/ Public awareness;
- Urgent Buyer are unware that the product is fake (counterfeit).

In this situation the IP Owners may have legal rights to claims if any IP Infringement and others settlement by Dispute Resolution mechanism, among others:

- Lawsuit for Infringement of Registered Trademarks, Design Products and Patent;
- Dispute Resolution may through ADR (Alternative Dispute Resolution) and Arbitration Mechanisms;
- Provisional Measure (Injunction), shall means as court temporary determination Through the Commercial Court

Settlement of disputes regarding Patent infringement which must be resolved through a Mediation mechanism by the Parties to the case before prosecution/criminal legal action. (Patent Infringement as intended in Article 154 of Law No. 13 of 2016 concerning Patents). Compulsory to Mediation Process, under provision Article 154 Patent Law and Article 95 paragraph (4) Copyrights Law, as stipulated below:

Article 154 Patent Law:

In the event of a criminal claim for infringement of a patent or simple patent, the parties must first resolve this through mediation.

Article 95 paragraph (4) of the Copyrights Law:

Apart from violations of Copyright and/or Related Rights in the form of piracy, as long as the whereabouts of the parties to the dispute are known and/or are in

²⁷ Deceptive Counterfiet shall means that Buyer are unware that the product is fake and Non- Deceptive Counterfiet Buyer are aware that the product is fake (counterfeit)

the territory of the Unitary State of the Republic of Indonesia, they must first resort to resolving the dispute through mediation before making criminal charges.

An Arbitration and Intellectual Property Mediation Board (BAMHKI) was formed,²⁸ including in order to realize the ideals of the law and assist in the implementation of protection and law enforcement in the field of IPR, on April 21, 2011 located in Jakarta, which provides adjudicative IPR dispute settlement services, namely Arbitration and are non-Adjudicative, such as mediation, negotiation and conciliation for disputes arising from commercial transactions or disputes relating to or involving the field of IPR, including dispute resolution of infringement of IPR which must be resolved by the Parties who litigate before criminal claims / remedies done against copyright infringement as referred to Article 95 paragraph (4) of Law no. 28 of 2014 concerning Copyright and Patent Infringement as referred to in Article 154 of Law No. 13 of 2016 concerning Patents.

3.3. IP Attorneys Positioning on IP Online Dispute Resolution (ODR) Development

There are 3 main factors that influence the dispute resolution process, namely:²⁹

1. interests;
2. rights, and
3. power status (power).

So it is highly recommended if in finding a way out if there is a dispute for the commercialization of intellectual

²⁸ Basic Provisions for the Law as Operations of the IPR Arbitration Mediation Board (BAMHKI), including:

1. Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution; 2. Law No. 29 of 2000 concerning Plant Varieties; 3. Law No. 30 of 2000 concerning Trade Secrets; 4. Law No. 31 of 2000 concerning Industrial Design; 5. Law No. 28 of 2014 concerning Copyright and Related Rights; 6. Law No. 13 of 2016 concerning Patents; 7. Law No. 20 of 2016 concerning Brand and Geographical Indications; 8. Government Regulation No. 42 of 2007 concerning Franchising 9. Government Regulation No. 36 of 2018 concerning Recording of Intellectual Property Rights License Agreements

²⁹ William Ury, J.M. Brett, S. Goldberg, *Getting Dispute Resolved*, Pan Books. 1993.p. 30

asset transactions, for example an exclusive license contract in the field of film, music (entertainment industry) or arrangement patterns of protection of well-known marks in a particular business system for example (Franchising & Licensing), the parties to the dispute want their interests to be achieved, their rights fulfilled, and their powers demonstrated, exploited, and defended. In the process of dispute resolution, the parties to the dispute will usually insist on maintaining the three factors mentioned above.³⁰

If you see a little development of Alternative Dispute Resolution or its popular abbreviation is ADR in the country where it was first developed (the United States), the development of ADR is motivated by the following needs:³¹

1. Reduce traffic jams in court. The number of cases filed with the court results in a lengthy court process which results in high costs and often produces unsatisfactory results.
2. Improve public order in the dispute resolution process.
3. Streamlining and expanding access to justice.
4. Provide opportunities for the achievement of dispute resolution that results in decisions that are acceptable to all parties and satisfying.

The binding strength (binding competence) of alternative dispute resolution / ADR is the same as the choice if the Parties to the dispute choose Arbitration (Arbitration as an institution that is better known first). If the Parties choose to settle disputes through the ADR mechanism for example mediation, the choice of these Parties has binding power both as a law between the Parties (pacta sunt servanda principle) or based on civil court procedure settlement procedures. This binding force can be applied in the online dispute resolution (ODR) institutionalization. This binding force means setting aside the Judicial institution when the Parties do not choose ADR (Mediation) to resolve the dispute.

The principle of binding force law is expected to have an impact on the development of dispute resolution, namely the participation (participation) of the community to resolve

³⁰ Suyud Margono., *Alternative Dispute Resolution (ADR) and Arbitration: Institutional Process and Legal Aspects*, publisher of PT. Ghalia Indonesia, Jakarta 2000., p 79.

³¹ Stephen B. Golberg, *Op.cit.*, p. 5-7

their own dispute. However, the benefits of the establishment of the IPR Arbitration and Mediation Institute, leaving the most important factor, which still needs certainty for justice seekers, especially business actors amid the development of industrial disruption, include:

1. Dispute resolution mechanisms, including: binding opinions, arbitration or alternative dispute resolution.
2. arbitration proceedings, sole arbitrator / arbitral tribunal.
3. The proceedings, fees and rewards
4. The procedure for application, including the following matters:
 - (i) Agreement by the parties to settle a dispute or difference of opinion (binding opinion, arbitration or alternative dispute resolution);
 - (ii) Detailed explanation of disputes or differences of opinion between the parties;
 - (iii) other relevant agreements and / or documents submitted by each party;
 - (iv) Proposed mediator names for alternative dispute resolution processes, proposed abiter names for arbitration proceedings, or opinions desired by each party to the dispute or dissent;
 - (v) List of names of prospective witnesses and / or expert witnesses to be submitted during the arbitration process;
 - (vi) Claims / claims for compensation with details, if the dispute is settled through arbitration;
 - (vii) A firm statement that all parties will be bound by and will implement all provisions in the binding opinion given by the institution, if the dispute is resolved through a binding opinion of the institution;
 - (viii) A firm statement that the parties will be bound, subject to and implement any and all provisions in the agreement reached in dispute resolution through alternative dispute resolution mechanisms;
 - (ix) The applicant's firm statement that the applicant will be bound and subject to and implement the award of a single arbitrator or arbitral tribunal and will not submit resistance and / or other legal remedies for the same dispute in court; and

- (x) Information on the payment and / or compensation of experts, mediators or arbitrators based on the regulations of this institution.

With the establishment of the Arbitration and Mediation Board of Intellectual Property Rights (BAMHKI), it is expected that the public and / or business actors will have alternatives to seek justice, active participation in dispute resolution other than Out of Court Settlement in seeking justice and legal certainty over dispute resolution. In contrast that related to IP Dispute Resolution to this day that many parties and community are still skeptical about the Indonesian arbitration process given the problems in the Indonesian courts.³² There is no guarantee that an arbitration award (specifically international arbitration) will be carried out in Indonesia.³³ But Indonesian courts are seen as inefficient, and unreliable, disputing parties tend to settle through foreign arbitration, even though one of the parties is Indonesian, for example, many of them chose Singapore.³⁴ In the past year there has been an increase in the focus of investment in Asia with a phenomenal surge in the number of foreign investors in the region. As such, it has become imperative that various countries develop their arbitration systems to open the way for a stable and healthy business, cooperation, investment climate.³⁵

³² The written arbitration agreement ignores the rights or parties to bring a dispute in the District Court, which would otherwise have jurisdiction over civil disputes (Article 11 (1) of the Indonesian Arbitration Law).

The District Court does not have the authority to hear disputes where the parties are bound by an arbitration agreement (Article 3 of the Indonesian Arbitration Law), and is required to refuse, and not participate in settling, disputes that have been decided through arbitration, except in limited circumstances as regulated in the Act Arbitration (Article 11 (2) of the Indonesian Arbitration Law)

³³ Suyud Margono., *Harmonization Arbitration Law ASEAN Countries : A Discourse for Investor–State Arbitration in the ASEAN Economic Community (AEC)*”, Tarumanagara Law Review., Vol.1 Issue 1, January 2019, p. 2.

³⁴ Suyud Margono., *Enforcement Of Arbitration Awards In Indonesia: An Approach in Harmonization Arbitration Law ASEAN Countries.*, Indonesian Law Journal., National Law Development Agency, Ministry of Law and Human Rights RI, Vol. 5 December 2012, p. 29.

³⁵ Chong Yee Leong, Qin Zhiqian, *Comparative Arbitration in Asia*, Global Arbitration Review., p. 1. See www.globalarbitrationreview.com/review/38/section/134/chapter/1410/comparative-arbitration-law-asia/#ftn_1

In ASEAN countries it has responded effectively to such requests with business actors, the majority of which show growth, coupled with significant efforts to renew and develop the arbitration system. The developments in Singapore, Malaysia and Indonesia, and the increasing acceptance of the examination and settlement of arbitration in ASEAN, together with this can have an impact on the harmonization of the current arbitration law in Indonesia.³⁶ This weakness is at the same time an opportunity to design a system to prevent and resolve disputes and disputes in various fields including IPR disputes that use technology as part of a dispute resolution system, by putting technology as providing effectiveness and / or efficiency, as stated according to Orna Rabinovich-Einy & Ethan Katsh, quoted namely:

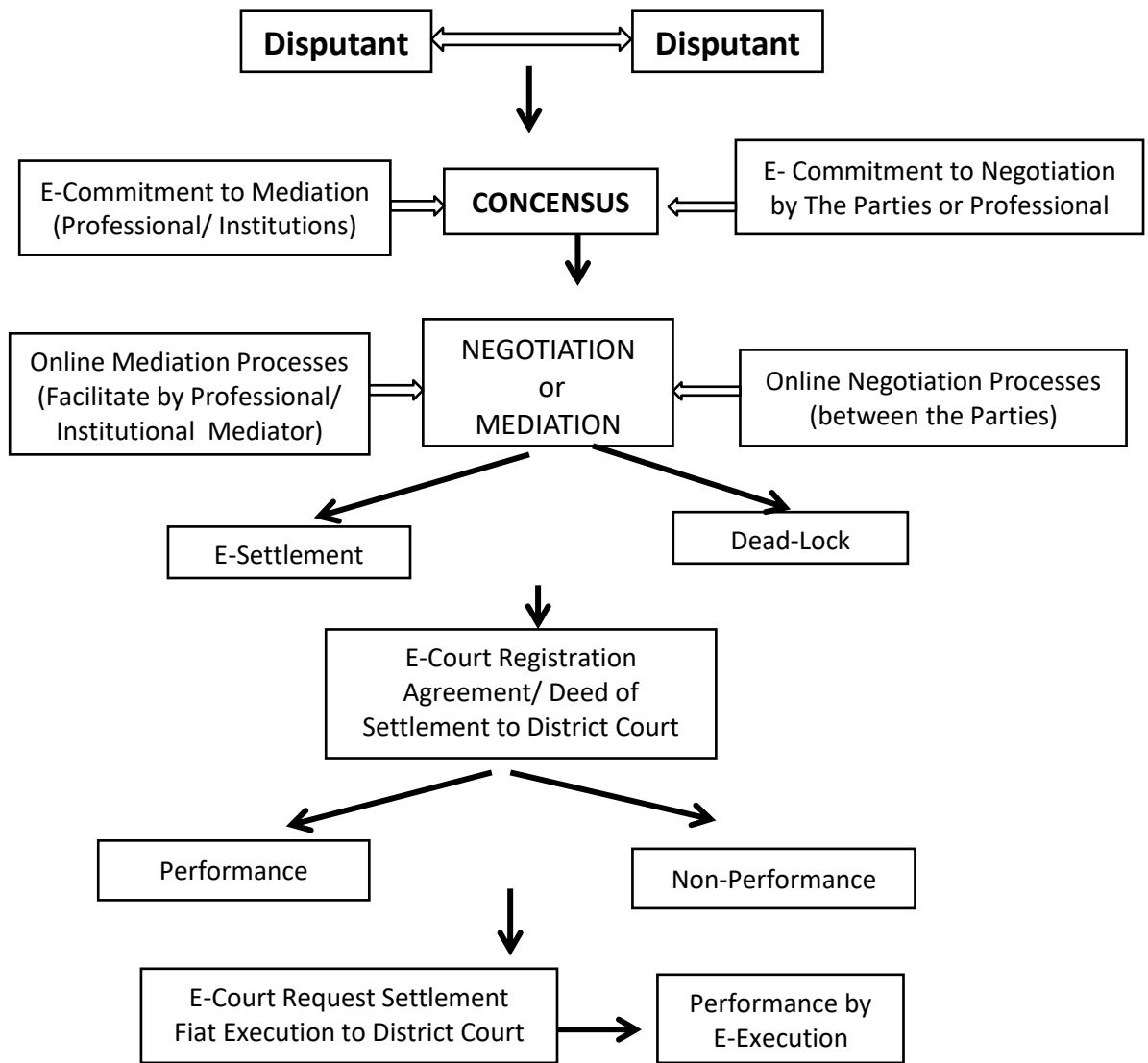
“Opportunities are now present for designing powerful systems to both prevent and resolve problems and disputes. Thus far, where technology has been embraced, it has most often been viewed as a convenience or efficiency enhancer. These goals adequately capture the current state of penetration of digital technology in the dispute resolution field. They do not, however, reflect the future direction that online dispute resolution (ODR) and online dispute prevention tools and systems.³⁷

Flow 3: Development on IP Online (Electronic) Alternative Dispute Resolution Mechanism (Based on Law No.30 of 1999)³⁸

³⁶ Suyud Margono, *Loc.Cit.*, p. 31

³⁷ Orna Rabinovich-Einy & Ethan Katsh., *Digital Justice Reshaping Boundaries in an Online Dispute Resolution Environment.*, International Journal of Online Dispute Resolution 2014 (1) p. 1

³⁸ Suyud Margono., *Loc Cit.*, 2000., Flow with references that E-Dispute Resolution for IP Cases and its relevant matters with modification based on Law Number 30 of 1999 concerning Arbitration Dispute Resolution (ADR) as substantive law for Commercial Dispute Resolution in Practices and see Suyud Margono, Counterfeit Brand Products On E-Commerce Sites: Whose Wrong? Aspects of IP Rights Protection and Law Enforcement – National Seminar ALSA (ASEAN Law Student Associations) Local Chapter – Faculty of Law, Sriwijaya University Topic: "*Implementation of Law Enforcement Against E-Commerce Business Actors Who Violate IP*, 04 February 2023.



Disruption of new technology is not only by changing the way we do things but by changing the way we think about what we do, about what needs to be done and what can be done including the Alternative dispute resolution (ADR) process with a more efficient approach than what is happens in court, including in terms of certainty of the process, time, and effectiveness. It became clear that on-line dispute resolution / ODR is not just a more efficient process than ADR., As stated by Hensler, namely:

“ADR brought with it a new mindset, and so will ODR. ADR involved not only new tools and techniques but different assumptions, principles and values, and so will ODR. Today, the logic of the field of dispute resolution largely remains as it was in the last quarter

of the twentieth century. That is inevitably going to change as access barriers are reduced, effectiveness is increased, machines become more intelligent, software becomes more powerful and some components and beliefs of the ADR field are challenged”.³⁹

ODR began its existence as ADR Online and was intended to be equivalent to the network of offline dispute resolution processes, such as negotiation, mediation, and arbitration. ODR tries to imitate the traditional process but from a distance, with the first experiment in ODR using professional mediators who use the network instead of face-to-face meetings but use the skills they have developed and used offline. While advances in information technology will innovate by providing the ability to communicate information and process information, as also stated according to Bower & Christensen, namely:

“While information technologies typically innovate by providing new capabilities for both communicating information and processing information, the initial ODR experiments emphasized the former more than the latter. In general, therefore, while the tools were novel, the model was not. Communication is an element in every dispute resolution process, and new capabilities for communicating and managing the flow of information were viewed by the traditional ADR community as, at best, a necessary add-on where face-to-face meetings were not possible. In that guise, it was not a change agent in any kind of fundamental way.”⁴⁰

It would be considered whether an IP Attorneys could have a background in the field of Law and other fields such as engineering, pharmaceutical industries, because the basic knowledge gained from these disciplines could support his professionalism as an IPR Attorneys, or could be an IP

³⁹ D.R. Hensler, *Our Courts, Ourselves: How the Alternative Dispute Resolution Movement is Re-Shaping Our Legal System*, *Penn State Law Review*, Vol. 108, 2003, p. 170; J. Sternlight, *ADR is Here: Preliminary Reflections on Where it Fits in a System of Justice*, *Nevada Law Review*, Vol. 3, 2002.

⁴⁰ J.L. Bower & C.M. Christensen, *Disruptive Technologies: Catching the Wave*, *Harvard Business Review*, Vol. 73, No. 1, 1995, pp. 43–53.

Attorneys offices strengthened with a team consisting of people who have multi educational backgrounds, so that they can optimally serve various questions or problems raised by clients / applicants, as well as to handle specific cases related to inventions (patents) in the field of technology.

In turn, if there are disputes relating to registration of IPR which are being handled by IP Attorneys, including settlement of disputes through arbitration or alternative dispute resolution, its opportunities for IPR Attorneys who are not professionals as well as advocates to continue to be able to represent/ assist their clients in resolving the dispute, in connection with this matter including perform before tribunal of arbitrator and/or mediators. In several laws in the field of intellectual property rights in this case concerning Trade Secrets, regarding Disputes that occur when there are parties who intentionally and without rights:

- (i) use trade secrets belonging to other parties;
- (ii) grant licenses to third parties to use trade secrets belonging to other parties; or
- (iii) disclose the trade secrets of other parties to third parties for commercial interests.⁴¹

Hereby, Several Current Issues concerning Law Enforcement in the field of counterfeit products on E-Commerce Sites, as follows

- IP Rights Protection and ownership Aspects (Owners and License Holders Rights);
- Criteria and Concept of Safe Harbour Doctrine in IP - Law Enforcement
- Implementation of legal responsibilities/liabilities (LandLord Liabilities, Strict Liabilities, Criminal Liabilities)
- Implementation of Law Enforcement for IP (Trademark) Infringement handling and Practices or E-Commerce products in Market Places

4. Closing

This article was created as information as well as to raise awareness of the parties involved or directly involved in a business or industry, that it is time to start involving the role of

⁴¹ See Article 11 and Article 12 of Law No. 20 of 2000 concerning Trade Secrets

IP Attorneys in a dispute resolution in the era of disruption. The IP Attorneys plays a role not only for the entire IPR registration process, including guardian of all IPR assets. With the Intellectual Property Arbitration and Mediation Board (BAMHKI) it is expected that the public may have alternatives to seek justice, active participation in dispute resolution other than out of court settlement in seeking justice and legal certainty towards dispute resolution.

Several IP Issues in relation with the Information Technology Development, according to Regulation and its Law Enforcement, among others:

- Governance issues accommodate physical ecosystems and digital ecosystems
- The problem of the existence of big data (big data) is used by industry players.
- Massive development in the use of digital platforms by industry players
- The digital world revolution has the impact of making it easier to create, publish and reproduce IP
- Creative Works (IP) with artificial intelligence (Artificial Intelligence)
- Issues of ownership, rights protection and law enforcement

In relation with IPR, whether the alternative dispute resolution (ADR) - Online IPR (ODR) will be able to gain the confidence of the parties to the dispute to handle dispute resolution in the field of IPRs among the Parties. Furthermore public certainty regarding the existence of BAMHKI in providing services: Arbitration, Mediation, Negotiation, Conciliation including, IP Expert Expert Assessment. Specialized Arbitrators and/or Mediators in BAMHKI are those who have mastery and experience in the field of Intellectual Property Rights (IPR) and have full authority that cannot be intervened by any Party when carrying out the Mediation process or Arbitration proceedings, therefore the Arbitrator/ Mediator is not only certified but also capable / experienced as an Arbitrator and Mediator who can be chosen by the Parties to the dispute to be able to accept, examine, resolve and / or decide upon disputes submitted or given authority

BLIBIOGRAPHY

1. Literature

- Hensler, D. R., , 'Our Courts, Ourselves: How the Alternative Dispute Resolution Movement is Re- Shaping Our Legal System', Penn State Law Review, Vol. 108, 2003, p. 170; J. Sternlight, 'ADR is Here: Preliminary Reflections on Where it Fits in a System of Justice', Nevada Law Review, Vol. 3, 2002.
- Bowner, J.L. and C.M. Christensen, 'Disruptive Technologies: Catching the Wave', Harvard Business Review
- Caserta, Salvatore and Mikael Rask Madsen ., The Legal Profession in the Era of Digital Capitalism: Disruption or New Dawn., Laws 2019, 8, 1; doi:10.3390/laws8010001, www.mdpi.com/journal/laws, p. 2
- E.Y. Kanter, Legal Professional Ethics: a socio-religious approach, storia Grafika: Jakarta, 2001, p. 63
- Fisher, Roger & William Ury, Getting to Yes, Houghton Mifflin Harcourt, Boston, 1981.
- Garner, A. Bryan., , Black's Law Dictionary, second Pocket Edition, St. Paul Minn, 2001, hal. 560.
- Hensler, D. R., , 'Our Courts, Ourselves: How the Alternative Dispute Resolution Movement is Re- Shaping Our Legal System', Penn State Law Review, Vol. 108, 2003, p. 170; J. Sternlight, 'ADR is Here: Preliminary Reflections on Where it Fits in a System of Justice', Nevada Law Review, Vol. 3, 2002.
- Leong, Chong Yee, Qin Zhiqian, Comparative Arbitration in Asia, Global Arbitration Review.,. www.globalarbitrationreview.com/review/38/section/134/chapter/1410/comparative-arbitration-law-asia/#ftn_1
- Sudargo Gautama, Introduction to Indonesian International Civil Law. Binacipta, 1987.
- Erman Rajagukguk, Arbitration in Court Decision, Chandra Pratama: Jakarta, 2000
- Suyud Margono, Industrial Property Rights: Regulations and Practices in Indonesia, PT. Ghalia Indonesia, Jakarta, 2011.

_____., Alternative Dispute Resolution(ADR) and Arbitration: Institutional Process and Legal Aspects, publisher PT. Ghalia Indonesia, Jakarta 2000., hal. 79.

_____., Enforcement Of Arbitration Awards In Indonesia: An Approach in Harmonization Arbitration Law ASEAN Countries., Indonesian Law Journal., National Law Development Agency, Ministry of Law and Human Rights RI, Vol. 5 December 2012

_____., Harmonization Arbitration Law ASEAN Countries : A Discourse for Investor–State Arbitration in the ASEAN Economic Community (AEC)”, Tarumanagara Law Review., Vol.1 Issue 1, January 2019, p. 2.

_____., The Role and Challenge of The IP (Intellectual Property) Attorneys In Valuation Of IP Asset Portfolios As Collateral, Russian Law Journal Vol.11 No.6 (2023) P.146-166

_____., “Protection & Enforcement of Intellectual Property Laws for Stakeholders in Economic Governance”. Focus Group Discussion: "Preparation of Background Study for RPJM N 2025-22029 in the Legal & Regulatory Sector, Implementation and Enforcement of Intellectual Property Law, Ministry of National Development Planning (BAPPENAS) Republic of Indonesia, Wednesday, 22 November 2023

Orna Rabinovich-Einy & Ethan Katsh., Digital Justice Reshaping Boundaries in an Online Dispute Resolution Environment., International Journal of Online Dispute Resolution 2014 (1) 1

Suyuthi, Wildan., Professional Ethics Code of Ethics for Judges, IKAHI: Jakarta, no year.

William Ury, J.M. Brett, S. Goldberg, Getting Dispute Resolved, Pan Books. 1993.

https://www.kompasiana.com/nadyadjadiningrat/peran-konsultan-hak-kekayaan-intelektual-dalam-bisnis-dan-industri-mengapa-dibutuhkan_5554677b6523bdc5144aeff1

<https://kliklegal.com/world-ip-day-digital-industries-dan-reposisi-profesi-konsultan-hki/>

2. Statutory Regulations

Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution;
Law No. 29 of 2000 concerning Plant Varieties;
Law No. 30 of 2000 concerning Trade Secrets;
Law No. 31 of 2000 concerning Industrial Design;
Law No. 28 of 2014 concerning Copyright and Related Rights;
Law No. 13 of 2016 concerning Patents;
Law No. 20 of 2016 concerning Brand and Geographical Indications;
Government Regulation Number 2 of 2005 concerning Intellectual Property Rights Attorneys,
Government Regulation No. 42 of 2007 concerning Franchising
Government Regulation No. 36 of 2018 concerning Recording of Intellectual Property Rights License Agreements
Ministerial Regulation No. 39 of 2018 concerning Granting of Compulsory Patent Licenses
Other related legislation²