

SOME ASPECTS OF INDONESIAN PATENT LAW

In Comparison with the Australian Patent Act

by

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June 1992

**A thesis submitted in fulfilment of the requirements of the LL.M (by thesis) Degree in
the Faculty of Law and Legal Practises, University of Technology, Sydney.**

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ABSTRACT

The protection of a person's natural rights to his or her intellectual property is of paramount importance, and this is presently an international practice.

By the enactment of the Patent Act in 1989, Indonesia has tried to be in line with the requirements of such international practice. This is also the latest example of Indonesia's efforts to encourage and facilitate foreign investment in the country.

Australia had already had a Patent Act in place considerably earlier than Indonesia, and to stress the role of technology in the Act, Australia in 1990 totally revised this Act in order to enhance indigenous innovations and to become an exporter of technology.

Although both Patent Acts correspond to international practices, the implementation of certain provisions in respective Act might not be similar, given national interest dictated the policies of each country.

This thesis identifies and makes straight comparison of provisions contained in the new Acts of both countries and considers the possible consequences for Indonesia by extrapolation from the Australian experiences.

The conclusion drawn in this thesis is that the organisation and clarity of the Australian Act indicates the substantial amount of preparation conducted prior to the enactment of this Act.