



FORMS OF LEGAL PROTECTION AGAINST INDONESIAN MSMEs IN THE FIELD OF INTELLECTUAL PROPERTY RIGHTS

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Abstract

As a business actor, it is only natural that MSMEs need to pay attention to the intellectual Property of the products they produce. Even though as we know that the registration of Intellectual Property, be it Copyrights, Brands, Patents, Trade Secrets, Industrial Designs, and Integrated Circuit Layout Designs (DST), is a distinct advantage for MSME actors; there is still little interest in Indonesian MSMEs to register Intellectual Property. Unfortunately, because noting IPR can protect its business products without fear of being copied by other parties. Based on the description above, what will be discussed in this research is 1. How is the government's legal protection of Intellectual Property Rights in Indonesia? 2. What factors cause the reluctance of MSMEs to take advantage of the IPR system? 3. What is the potential for Intellectual Property Rights (IPR) that can be used for Indonesian Micro, Small, and Medium Enterprises (MSMEs)? The method used in this research is normative juridical research using secondary data in the form of intellectual property books and applicable laws and regulations. Based on the provisional assumption, it is known that the state of government legal protection for IPR in Indonesia is by enacting several rules relating to IPR, namely Law No. 30/2000 concerning Trade Secrets, Law no. 31/2000 regarding Industrial Design, Law no. 32/2000 concerning Layout Design of Integrated Circuits, Law no. 13/2016 on Patents, Law no. 20/2016 on Trademarks, Law no. 28/2014 on Copyright. The potential for Intellectual Property Rights (IPR) that can be used for Indonesian Micro, Small and Medium Enterprises (MSMEs) are Copyrights, Trademarks, Industrial Designs, and Trade Secrets and the factors that cause MSMEs reluctance to utilize the IPR system, namely, first, The registration procedure is long and complex. Secondly, the registration fee is expensive, and thirdly, it is related to the perception that law enforcement for IPR violations is feeble.

Keywords: HKI, Legal Protection, Indonesian Micro, small and medium enterprises (UMKM).

INTRODUCTION

As a business actor, it is natural if MSMEs need to pay attention to the intellectual Property of the products they produce because the MSME sector in Indonesia is still synonymous with various traditional businesses. According to data sources from ASEAN TMview, a shared online trademark information platform of ASEAN member countries, Indonesia has 746,137 registered trademarks, meaning that only less than 2% have an awareness of brand registration. This is due to the lack of knowledge of the Indonesian people about the importance of brand registration and the lack of awareness of IPR. Please note, HKI awareness is one of the critical factors in producing trade goods in MSMEs to survive and not be less competitive in the free market. Intellectual Property (KI) and trading products have a very close relationship. To reach the hands of consumers, trade products related to inventions in the field of technology require Patents, while to distinguish the quality of trading products in terms of original guarantees and labelling, the need for Brand Rights, and in the case of forming a tangible creation related to art in trading products, so that the creation has enduring power, it is

necessary to Design Rights. From the description above, it can be concluded that trading products have a relationship with IPR from the beginning of the production process to the hands of consumers.

In 2018, the results of the Creative Economic Agency recording found that there are 96% of MSMEs have not been incorporated or have a legal umbrella. So it can be interpreted that MSMEs today only look at the business side and profit alone without focusing on the legal aspects and development of brands, patents, trade secrets, industrial Desai and DTLST. There is still little interest in Indonesian MSMEs to register Intellectual Property because Indonesian MSMEs still consider that Intellectual Property (KI) is not a necessity. Whereas as we know, the registration of Intellectual Property, be it Copyright, Brand, Patent, Trade Secret, Industrial Design and Integrated Circuits Layout Design (DTLST), is advantageous for MSMEs; it can protect its business products without fear of being imitated by other parties. In addition, according to the Head of Creative Economic Agency, Taiwan Munaf, there are some obstacles for MSMEs not to declare their business; he revealed that MSME businesses do not register their businesses to avoid business taxes. Due to the accessibility to register intellectual Property, other obstacles are not easy, coordination in the implementation between government agencies has not been organized, and the existence of a long bureaucracy and costs. The lack of socialization of Intellectual Property (KI) for each product of the work of MSMEs is very minimal is also one of the obstacles that make MSMEs reluctant to register their intellectual Property, so that businesses of MSMEs do not know at all that intellectual Property (KI) is. This situation is undoubtedly worrying because, in the business world, there is always competition. The unhealthy competition will make businesses lose out in terms of product discovery and marketing. Therefore, it is vital to protect the law for MSME products based on Intellectual Property (KI).

Indonesia is a country where most of its income funds come from MSMEs (Small and Medium Micro Enterprises) so that MSMEs become one of the factors that have a significant role in increasing the country's foreign exchange. The products produced by MSMEs in Indonesia are of high economic value and have a uniqueness, especially when it has entered the foreign market. Because of the lack of sensitivity and do not protect the products owned, many of indonesia's products, especially products with traditional values whose ideas and designs are stolen by outsiders. Perhaps the Indonesian nation is less aware that the protection of IPR brings high economic value when it has entered the world of trade. According to data sources from ASEAN TMview, a shared online trademark information platform of ASEAN member countries, Indonesia has 746,137 registered trademarks, which means that only less than 2% have an awareness of brand registration. This is due to the lack of knowledge of the Indonesian people about the importance of brand registration and the lack of awareness of IPR. HKI awareness is one of the critical factors in producing perdagangan pada UMKM guna untuk and is no less competitive in the free market. The development of MSMEs in Indonesia is still faced with various problems that cause the weak competitiveness of imported products. Issues

Intellectual Property itself is a translation of Intellectual Property Rights (IPR) is a Property Rights born from human intellectual abilities in science, art and literature. Intellectual Property is

creativity resulting from human thought to meet the needs and well-being of human life. Human creativity appears as an intellectual asset of a person and has exerted a significant influence on human civilization, among others, through inventions and results in art and literary work. Based on the description above, then what will be discussed in this study is What is the government's legal protection of Intellectual Property Rights in Indonesia; What are the factors that cause the reluctance of MSMEs to utilize the IPR system; What is the potential of Intellectual Property Rights (IPR) that can be used against Micro, Small, and Medium Enterprises (MSMEs) Indonesia.

METHOD

The method used in this study is normative juridical research using secondary data in the form of intellectual property books and applicable laws and regulations. Research and analysis of the problems raised using inductive thinking methods, in which researchers think based on particular things and then eventually made a general conclusion.

RESULTS AND DISCUSSION

1. Government Legal Protection of Intellectual Property Rights in Indonesia

Intellectual Property Rights is a translation of Intellectual Property Rights (IPR), as stipulated in Law No. 7 the Year 1994 on the ratification of the WTO (Agreement Establishing The World Trade Organization, which means the right to Property of human intellectual ability, which has a relationship with one's rights (human rights). The World Intellectual Property Organization (WIPO) states that this is a creation of human thought that includes its inventions, literary and artistic works, symbols, names, imagery and designs used in commerce. Intellectual Property Rights is a right obtained from human intellectual activities that have economic benefits. The conception of Intellectual Property Rights is based on the idea that human-produced intellectual works require the sacrifice of energy, time and cost. This sacrifice makes the work that has been produced has economic value because the benefits that can be enjoyed encourage the need for appreciation for the results in the form of legal protection.

According to the Convention of the World Intellectual Property Organization (WIPO), Intellectual Property Rights are defined as intellectual property rights including rights relating to literary works, artworks and scientific works, inventions in all areas of human business, scientific discovery, industrial design, trademarks, service marks, and names in commercial markings, protection against unfair competition, and all other rights resulting from intellectual activities related to the industry, scientific works, literary works, and arts fields. It can be said that Intellectual Property Rights are the recognition and appreciation of a person or legal entity for the discovery or creation of their intellectual work by granting special rights to them, both social and economic.

Wiradirja and Munzil stated that IPR is a right derived from the creative activities of a human mind ability that benefits and is helpful in supporting human life and has economic value. Considering that IPR is the result of creative activities, it is fitting that IPR needs to get legal protection. Robert M.

Sherwood, as quoted by Wiradirja and Munzil, presented various theories that underlie the need for legal protection for IPR, namely:

1. Reward Theory, which has a profound meaning to a person's intellectual work, so that the inventor/creator or designer should be given an award as a balance for his creative efforts in finding/creating the intellectual work.

2. Recovery Theory states that the inventor/creator or designer who has spent time, cost, and energy-producing his intellectual work must regain what he has spent.

3. Incentive Theory, which associates creativity with providing incentives, needs to be given to encourage practical research activities.

4. Risk Theory, that IPR is a work that contains risk. IPR, which is the result of a study, contains risks that may allow others who first find such means or improve it so that it is natural to provide legal protection against efforts or activities that contain risks.

5. Economic Growth Stimulus Theory, this theory recognizes that protection of IPR is a tool of economic development and what is meant by economic development is the overall purpose of building an effective IPR protection system.

From the theory above can be taken the conclusion that IPR in MSMEs is one thing that should get legal protection. Without adequate legal protection, it can undoubtedly affect the pace of creation of a State in giving birth to new works. Kotler, as quoted by Sean Matthew, stated that IPR is one of the capitals that become an influential factor in the welfare of a nation.

Protection of this IPR has been guaranteed in Article 27 paragraph (2) of the Universal Declaration of Human Rights: "everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." IPR is part of the competence of individuals and national/international. Changes in the function of IPR that originated from protection became part of the nation's development strategy or industrial business development. In Indonesia, HKI Protection is realized in-laws and regulations related to IPR in the 2000s. The participation of Indonesia as a two-affiliated country provides consequences for implementing the provisions of the Agreement on trade-related aspects of intellectual property rights (approval of TRIPs, following the provisions of law No. 7 of 1994 ten-tang Ratification Agreement Establishing the World Trade Organization (approval of the establishment of world trade organizations) (Ministry of Industry).

As a WTO member country, Indonesia is obliged to include various international treaties in the ratified convention. Various regulations in IPR have been applied in the community, but the law's implementation is still low, even though the State of Indonesia has excellent potential if developed that can generate benefits for the country. The participation of various agencies and institutions, both government and private and better coordination between all parties is necessary to achieve the results of the implementation of the intellectual property system effectively. In Indonesia itself, one form of legal protection against IPR is the enactment of several regulations related to IPR, namely:

1. Law No. 30/2000 on Trade Secrets
2. Law No. 31/2000 on Industrial Design
3. Law No. 32/2000 on Integrated Circuit Layout Design
4. Law No. 13/2016 on Patents
5. Law No. 20/2016 on Brands
6. Law no. 28/2014 on Copyright

In general, IPR is divided into 2 (two) parts: Copyrights covering copyrights and related rights (neighbouring right) and Industrial Property Rights covering brands, patents, industrial design, trade secrets, integrated circuit layout design in detail can be described as follows.

No	Jenis Intelektual	Kekayaan	Lingkup Perlindungan	Dasar Hukum
1	Cipta		Seni, Sastra dan Ilmu Pengetahuan	Undang - Undang Nomor 28 Tahun 2014 tentang Hak Cipta
2	Merk		Tanda yang dapat ditampilkan secara grafis berupa gambar, logo, nama, kata, huruf, angka, susunan warna, dalam bentuk 2 (dua) dimensi dan/atau 3 (tiga) dimensi, suara, hologram, atau kombinasi dari 2 (dua) atau lebih unsur tersebut untuk membedakan barang dan/atau jasa yang diproduksi oleh orang atau badan hukum dalam kegiatan perdagangan barang dan/atau jasa	Undang - Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis
3	Indikasi Geografis		Suatu tanda yang menunjukkan daerah asal suatu barang dan/atau produk yang karena faktor lingkungan geografis termasuk faktor alam, faktor manusia, atau kombinasi dari kedua faktor tersebut memberikan reputasi, kualitas, dan karakteristik tertentu pada barang dan/atau produk yang dihasilkan	Undang - Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis
4	Paten		Invensi di bidang Teknologi	Undang - Undang Nomor 13 Tahun 2016 tentang Paten
5	Rahasia Dagang		informasi yang tidak diketahui oleh umum di bidang teknologi dan/atau bisnis, mempunyai nilai ekonomi karena berguna dalam kegiatan usaha, dan dijaga kerahasiaannya oleh pemilik Rahasia Dagang	Undang - Undang Nomor 30 Tahun 2000 tentang Rahasia Dagang
6	Desain Industri		Suatu kreasi tentang bentuk, konfigurasi, atau komposisi garis atau warna, atau garis dan warna, atau gabungan daripadanya yang berbentuk tiga dimensi atau dua dimensi yang memberikan kesan estetis dan dapat diwujudkan dalam pola tiga dimensi atau dua dimensi serta dapat dipakai untuk menghasilkan suatu produk, barang, komoditas industri, atau kerajinan tangan	Undang - Undang Nomor 31 Tahun 2000 tentang Desain Industri
7	Desain Tata Letak Sirkuit Terpadu		<ul style="list-style-type: none"> suatu produk dalam bentuk jadi atau setengah jadi, yang di dalamnya terdapat berbagai elemen dan sekurang-kurangnya satu dari elemen tersebut adalah elemen aktif, yang sebagian atau seluruhnya saling berkaitan serta dibentuk secara terpadu di dalam sebuah bahan semikonduktor yang 	Undang - Undang Nomor 32 Tahun 2000 tentang Desain dan Tata Letak Sirkuit Terpadu

As for the additional explanation of the differences in the kinds of IPR and pearuran that govern it, I will attach the following table.

PERBEDAAN YANG PRINSIP BERDASARKAN PERATURAN PERUNDANG-UNDANGAN

Pembeda	Hak Cipta	Desain Industri	DTLST	Rahasia Dagang	Paten	Merek	PVT
	UU 28/2014	UU 31/2000	UU 30/2000	UU 32/2000	UU 13/2016	UU 20/2016	UU 29/2000
Subyek	Pencipta & Pemilik Hak Terkait	Pendesain	Pendesain DTLST	Pemilik Rahasia Dagang	Inventor	Pemilik Merek	Pemulia Tanaman
Obyek	Seni, sastra, IP & hak terkait	Penampilan produk	Desain tata letak IC	Informasi bisnis rahasia	Invensi: proses, produk	Simbol dagang (barang & jasa)	Varietas Tanaman
Cara Memperoleh Perlindungan	Tanpa Pendaftaran (Deklaratif)	Pendaftaran (Konstitutif)	Pendaftaran (Konstitutif)	Tanpa Pendaftaran	Pendaftaran (Konstitutif)	Pendaftaran (Konstitutif)	Pendaftaran (Konstitutif)
Syarat Substantif	Orisinalitas	Kebaruan	Orisinalitas	Informasi bernilai ekonomi dan dirahasiakan	Kebaruan, Langkah inventif, Industrial applicable	Dapat berfungsi sebagai tanda pembeda dalam perdagangan	Baru, unik, seragam, stabil, diberi penamaan
Lama Perlindungan	Meninggal + 70 tahun	10 tahun (sejak tgl penerimaan)	10 tahun sejak didaftar/dieksplotasi	Selama dapat dirahasiakan	10 thn (Paten Sederhana) 20 thn (Paten Biasa)	10 tahun sejak tanggal penerimaan (bisa diperpanjang)	20 thn (tanaman musiman) 25 thn (tanaman tahunan)

1. Factors Causing The Reluctance of Indonesian MSMEs to register IPR on Products and Works

As for some factors that cause the reluctance of MSMEs to utilize the IPR system as outlined by Selvie Sinaga, namely: First, the long and complex registration procedure, relating to the long and complex registration procedure, although some regulations in the field of Intellectual Property have now slashed the period, for example in the case of brand registration can be traced in the Academic Text of the Bill on Brands that one of the reasons for the need for simplification of time due to the Application Process of the Brand in force at the time of Law No. 15 of 2001 on Brands is considered to be still ineffective and takes a long time, so it is necessary to simplify the time of the registration process. However, in practice, the registration process until the issuance of the certificate is relatively longer than the specified time. The length of the specified period also does not guarantee that the application will be granted. In addition, in the case of place of registration and copyright registration of IPR can only be done through the Directorate General of Intellectual Property, Regional Office of the Ministry of Law and HAMyang located in each Province and HKI Consultants. Thus, not all MSMEs scattered in various regions can easily access the registration.

Second, expensive registration fee, based on the provisions of Government Regulation No. 45 of 2016 Second Amendment to Government Regulation No. 45 of 2014 concerning Types and Tariffs on Types of Non-Tax State Revenues applicable to the Ministry of Law and Human Rights, MSMEs get a waiver of the registration fee of IPR. However, the cost is still considered burdensome, especially for micro and small businesses⁴³, even if an application is denied registration money that the applicant has issued is not refunded.

Table 2. List of HKI registration fees based on Government Regulation No. 45 of 2016 concerning Second Amendment to Government Regulation No. 45 of 2014 concerning Types and Tariffs on Types of Non-Tax State Revenues Applicable to the Ministry of Law and Human Rights

No	Jenis HKI per permohonan	Biaya Pendaftaran UMKM	Biaya Pendaftaran Non UMKM
1	Cipta a. Secara elektronik (On line) b. Secara non elektronik (manual)	a. 200.000 b. 250.000	a. 400.000 b. 500.000

2	Desain Industri a. Secara elektronik (On line) 1. Satu desain industri 2. Satu kesatuan desain b. Secara non elektronik (manual) 1. Satu desain industri 2. Satu kesatuan desa	1. 250.000 2. 550.000 1. 300.000 2. 600.000	1. 800.000 2. 1.250.000 1. 1.000.000 2. 1.500.00
3	Paten a. Secara elektronik (On line) b. Secara non elektronik (manual)	a. 350.000 b. 450.000	a. 1.250.000 b. 1.500.000
4	Paten Sederhana. a. Secara elektronik (On line) b. Secara non elektronik (manual)	a. 200.000 b. 250.000	a. 800.000 b. 1.250.000
5	Desain Tata Letak Sirkuit Terpadu	100.000	200.000
6	Merek a. Secara elektronik (On line) b. Secara non elektronik (manual)	a. 500.000 b. 600.000	a. 1.800.000 b. 2.000.000
7	Indikasi Geografis a. Secara elektronik (On line) b. Secara non elektronik (manual)	a. 450.000 b. 500.000	a. 450.000 b. 500.000

Although so far government agencies and local governments have an incentive program by providing free assistance for MSMEs to register IPR, the number of incentives cannot keep pace with the growth rate and reach all MSMEs in Indonesia. As an illustration, the Ministry of Cooperatives and SMEs (Kemenkop UKM) throughout 2017 has facilitated 3000 (three thousand) more MSMEs to obtain IPR.

Third, about the assumption that law enforcement for IPR violations is feeble, this can be understood because the public does not understand that all criminal deliberations contained in various laws in the field of IPR are complaints, so that when violations occur HKI, apabila si pemegang HKI tidak melakukan complaint to law enforcement, the matter cannot be further processed.

In connection with the very significant role of MSMEs in advancing the national economy, it should be the government and local governments to produce affirmative policies for MSMEs, with no exceptions in the field of IPR. In order for every citizen to have the same ability to obtain the same protection and fulfilment of constitutional rights, special treatment of a particular group is required.⁵⁰ Only with such special treatment or affirmative action, equal treatment can be achieved in the protection and fulfilment of the constitutional rights of each citizen.

1. Potential Intellectual Property Rights (IPR) used against Micro, Small, and Medium Enterprises (MSMEs) Indonesia

The high quality of UMKM's superior products should be high awareness to protect the intellectual Property in Indonesia's flagship products. IPR protection is critical to prevent the theft of ideas on products. Some of the potentials of IPR contained in Indonesia's flagship products in MSMEs include:

1. Copyright The existence of Copyright may give the creator the right to control and use his creation correctly. Being protected from Copyright is an idea or idea of his creation. For example, in textiles that are a superior product of Indonesian MSMEs, in textiles, there are copyrights in the form of ideas or ideas of painting art that exist in the textile if in textiles there are specific patterns or motifs. Creators get protection for their Copyright in order to avoid misappropriation of ideas.

2.Brand Rights As a differentiator, brands play an important role in product marketing. Registering a brand can prevent others from using the same Brand, which can certainly harm your company. Brand rights are regulated in Law No. 15 of 2001. The term of brand rights is ten years and can be extended as long as the Brand is still in use. In brands, there are elements of creation, such as logo design or letter design. There is Copyright in the field of art. Therefore in the right of the Brand is not the Copyright in the field of art protected, but the Brand itself as a differentiator.

3.Industrial Design Rights Ordinary industrial design rights are given to new industries. Industrial design relates to the outward appearance (aesthetic impression) of a product. With this right, you may prohibit others from creating, using, selling, importing, exporting, and distributing products that are granted industrial design rights. Industrial design rights are stipulated in Law No. 31 of 2000 on Industrial Design. The term of industrial design rights is ten years and cannot be extended. In MSME products, products that have criteria for industrial design protection are new, in the sense that such designs are unprecedented, and there is no element of impersonation as a whole. For example, UMKM products are ceramic handicrafts because in ceramics, there is an element of industrial design to create a pattern of ceramic patterns and the shape of the ceramic.

4.Trade Secrets Referred to as trade secrets are confidential information that is considered to have economic value, such as cooking recipes, client lists, and so on. By holding this right, the creator may prohibit others from disclosing such secrets to third parties feared to cause economic harm. Trade secret rights are regulated in Law No.30 of 2000 on Trade Secrets (UURD). Period of confidential rights unlimited trade. Trade secrets in UMKM products, for example, can be used if the MSME sector is engaged in food processing; eating MSMEs has a secret recipe about the spices used and how to process so that the food product has a distinctive taste that distinguishes it from other food products. While in the batik industry sector, MSMEs also have a secret formula about mixing colours or techniques of night obstacles with canting different from other batik MSMEs. MSMEs have a characteristic that distinguishes between batik production itself and another production batik.

When it is noted that the above Intellectual Property Rights is an IPR that is widely used for Indonesian MSMEs products, it is appropriate that Indonesian MSMEs products get legal protection through Intellectual Property Rights. Because this IPR can be utilized economically to improve and grow businesses or businesses that lead to equitable welfare. The intellectual Property is expected to compete with foreign products that have long circulated freely in the market. Similarly, small and medium-sized micro-business products need to get serious attention from the government and a definite guarantee. Thus, the competitiveness and capability of MSMEs need to be further improved to take

advantage of the current free trade system. The system can be used to introduce their superior products in the global market, participate and even participate in the system.

If market opportunities become more open, trade liberalism is not automatic and can help even become a threat to MSMEs. To anticipate the threat, MSMEs must be creative and innovative to take bold steps by producing products that, in terms of quality, are not inferior to products from large companies. Therefore, to create a sense of security for the creative and innovative results of the nation's children, especially in Indonesian MSMEs, legal protection of innovative products and innovative products of Indonesian MSMEs is required. Legal protection of intellectual property rights owners is necessary in order for rights owners to use or exploit their copyrights in the sense of security. In turn, that sense of security then creates a climate or atmosphere that allows people to work to produce their subsequent work or findings. On the contrary, with legal protection, the owner of the right can also be asked to disclose the form, type and way of work and benefits safely because there is a legal guarantee and for the public to enjoy or use based on a permit, or even to develop it because protection and recognition are only explicitly given to the person who has that right, then it can be said as an exclusive right.

With the application of Intellectual Property (KI) to MSMEs as an effort to realize fair business competition the application of intellectual Property to small and medium-sized micro-enterprises is realized, it can certainly create a better and healthier atmosphere to grow and develop passions to create in the field of science, art and literature (can prevent unfair business competition / unfair competition) and can minimize business efforts deviations or violations committed by irresponsible people. In addition, the application of in textual wealth to small and medium-sized micro enterprises as an effort in business towards prosperity is based on the principle of intellectual Property, namely the principle of justice, economy, culture, and social.

CONCLUSION

The government's legal protection against IPR in Indonesia is by the enactment of several regulations related to IPR, namely

- Law No. 30/2000 on Trade Secrets
- Law No. 31/2000 on Industrial Design
- Law No. 32/2000 on Integrated Circuit Layout Design
- Law No. 13/2016 on Patents
- Law No. 20/2016 on Brand
- Law no. 28/2014 on Copyright

It can be said that Intellectual Property Rights (IPR) is an object that desperately needs to get legal protection; without adequate legal protection, it can undoubtedly affect the pace of creation of a State in giving birth to new works. Factors that cause the reluctance of MSMEs to utilize the IPR system are, first, long and complex registration procedures, second, expensive registration fees and thirdly, related

to the assumption that law enforcement for IPR violations is feeble. Potential Intellectual Property Rights (IPR) that can be used against Micro, Small, and Medium Enterprises (MSMEs) Indonesia are Copyright, Brand, Industrial Design and Trade Secrets.

REFERENCES

- Abdul Kadir Muhammad, 2007, *Kajian Ekonomi Hak Kekayaan Intelektual*, Bandung, Citra Aditya Bakti.
- Adrian Sutedi, 2013, *Hak Atas Kekayaan Intelektual*, Jakarta, Sinar Grafika.
- Asti Wulan Adaninggar, Hendro Saptano, Kholis Roisah, 2016, *Perlindungan Produk Usaha Mikro Kecil Dan Menengah Terkait Hak Kekayaan Intelektual Dalam Menghadapi Masyarakat Ekonomi ASEAN*, Diponegoro Lawa Journal, Vol 5, No 3 diakses dari :
<file:///C:/Users/user/AppData/Local/Temp/19416-ID-perlindungan-produk-usaha-mikro-kecil-dan-menengah-terkait-hak-kekayaan-intelekt.pdf> tanggal 15 September 2020.
- Eka N.A.M. Sihombing, 2018, *Kebijakan Afirmatif bagi Usaha Mikro, Kecil dan Menengah di Bidang Kekayaan Intelektual*, Jurnal Rechtsvinding, Volume 7, Nomor 3, Desember diakses dari
<file:///C:/Users/user/AppData/Local/Temp/artikel%207.PDF>, tanggal 10 September 2020
- Endang Purwaningsih, 2012, *Hak Kekayaan Intelektual (HKI) dan Lisensi*, Bandung, Mandar Maju, hlm
- Imas Rosidawati Wiradirja dan Fontian Munzil, 2018, *Pengetahuan Tradisional dan Hak Kekayaan Intelektual (Perlindungan Pengetahuan Tradisional Berdasarkan Asas Keadilan Sui Generis Intellectual Property System)*, Bandung, Refika Aditama
- Indra Hendriana, 2018, *UMKM Berbadan Hukum Masih Kecil*
<https://ekonomi.inilah.com/read/detail/2443605/umkm-berbadan-hukum-masih-kecil>, diakses pada tanggal 7 september 2020.
- Kholis Roisah, 2015, *Konsep Hukum Hak Kekayaan Intelektual (HKI) : Sejarah, Pengertian dan Filosofi Pengakuan HKI dari Masa ke Masa*, Malang, Setara Press.
- Latipah Nasution Latipah Nasution, 2020, *Efektifitas HKI Sebagai Pelindung Industri Kreatif dan UMKM Di Tengah Pandemi Covid-19*, ADALAH, Vol 4 No 1 diakses dari
<file:///C:/Users/user/AppData/Local/Temp/16466-48558-1-PB.pdf>
- Maizal Walfajri, 2018, "3000 UKM dapat Fasilitas Hak Cipta dan Merek Gratis", Kontan
<http://keuangan.kontan.co.id/news/3000-ukm-dapat-fasilitas-hak-cipta-merek-gratis>, diakses 5 September 2020
- OK. Saidin, 2015, *Aspek Hukum Hak Kekayaan Intelektual*, Jakarta, Rajawali pers.
- Sutedi, 2013, *Hak Atas Kekayaan Intelektual*, Jakarta, Sinar Grafika.
- Suyud Margono dan Amir Angkasa, 2002, *Komersialisasi Aset Intelektual - Aspek Hukum Bisnis*, Jakarta, Grasindo.
- Sunaryati hartono, 1982, *Hukum ekonomi Pembangunan Indonesia*, cetakan pertama, Bandung, Bina cipta.
- Tim Dosen Abdimas, 2020, *Pengembangan Wirausaha Baru Dalam Rangka Meningkatkan Produktifitas Di Masa Pandemic Covid-19*, Banten, C.V. AA.Rizky.
- Tim Dosen Abdimas, 2020, *Pengabdian Masyarakat Dengan UMKM Surabaya Berbasis Online Menggunakan Media Video Conference Google Meet*, DeePublish.
- Tim Dosen Abdimas, 2020, *Strategi Bertahan UMKM Dalam Masa Pandemi Covid 19*, Malang, Literasi Nusantara.
- Tomi Suryo Utomo, 2010, *Hak Kekayaan Intelektual (HKI) di Era Globalisasi*, Sebuah Kajian Kontemporer, Yogyakarta, Graha Ilmu.
- V. Selvie Sinaga, 20-14, *Faktor-Faktor Penyebab Rendahnya Penggunaan Hak Kekayaan Intelektual di Kalangan Usaha Kecil Menengah Batik*, Jurnal Hukum Ius Quia Iustum, Volume 21, Nomor 1.
- Undang-undang
 Undang-undang Republik Indonesia No. 30 Tahun 2000 Tentang Rahasia Dagang
 Undang-undang Republik Indonesia No. 31 Tahun 2000 Tentang Desain Industri
 Undang-undang Republik Indonesia No.32 Tahun 2000 Tentang Desain Tata Letak Sirkuit Terpadu
 Undang-undang Republik Indonesia No. 13 Tahun 2016 Tentang Paten
 Undang-undang Republik Indonesia No. 20 Tahun 2016 Tentang Merek

Undang-undang Republik Indonesia No. 28 Tahun 2014 Tentang Hak Cipta