

ABSTRACT

Key Words : License Agreement, Law, Norm of Law, Transfer of Technology, Patent, Developing Economy and Technology.

Based on the National Development plan on economy, the development of legislation should anticipate new problem created by the global economic aspects is challenging. In fact there is still no arrangement concerning the global economic aspect, particularly on transfer of technology from abroad. Moreover, the effect of foreign technology transfer as consequence of foreign technological development tend not to be favorable from the Indonesian point of view.

That is one of the reasoning why legislations should be drafted/made which are provided by the government, and not approving technological arrangements of the common market practiced by business community activities.

Hopefully that these legislations provided by the government could abridged between the economic development and technological transfer. These legislations could be promulgated as mandatory provisions.

The objectives of such provisions is to contribute to the developmental goals of the National economy, by among others strengthening the bargaining position of Indonesian licensees against abuses by foreign licensors.

License agreement on patent is one of the provisions the government can afford for transfer of technology. However, the legal position between Indonesian licensee and foreign licensor is imbalance. Therefore a model of license agreement consisting clause like grant back or either restrictive should be taken into account and issued by the Indonesian government as "dwingend recht" (forced norms of law), in order to avoid harm to protect the Indonesian people's welfare.

Patent law (that is law number 13/1997 Jo. Law number 6/1989) as one of the law reform which can develop economy on transfer of technology from abroad through foreign direct investment. Particularly which is already stipulated in article 78 of law number 13/1997 needs to be followed up by a government regulation (PP) or provided further by a Government Regulation.