

**PUBLIC INTEREST
IN THE PROTECTION OF INTELLECTUAL PROPERTY RIGHT
(A Study of Copyright, Patent, and Plant Variety Protection)**

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ABSTRACT

The title of this dissertation is “Public Interest in the Protection of Intellectual Property Right (A Study of Copyright, Patent and Plant Variety Protection).

This research was aimed at analyzing and finding the nature of public interest in the protection of intellectual property right, the balance between the protection of intellectual property holder and public interest, and the criteria of public interest in the regulation of intellectual property right in Indonesia.

This research is a legal research. The discussion and analysis of this research employed statutory, conceptual, comparative, and case approaches.

This research finds three findings. First, the nature of public interest in the protection of intellectual property right essentially is the purpose of the protection of intellectual property right (IPR) itself, even though in its implementation constitutes the protection of IPR holder’s private right. Public interest constitutes limitations and exceptions of IPR holder’s exclusive right. Second, the balance between the protection of IPR holder and public interest could be achieved if the protection of the exclusive rights of IPR holder also considering morality, human dignity, human rights, and fair business competition. The balance is based on justification and criteria of public interest as a limitation of IPR. There are some criteria that can be used to determine public interest as a limitation of intellectual property rights, that are regulated by government (state intervention), the usage of IPR for broader society, and adequate remuneration for IPR holder. The criteria of public interest in Copyright protection reflected in provisions of compulsory license (in terms of translation and reproduction), term of protection of copyright, standard of copyrightability, publication of a Work conducted by Government for national interest by radio, television and/or other devices, prohibition of a work publication that contravene with government policy, moral right, state as the Copyright holder of folklore and cultural production of community being owned together, and requirement of license agreement content. Criteria of public interest in patent protection reflected in provisions of compulsory license, term of patent protection, standard of patentability, utilization of patent by Government, inventions that could not be granted by patent, non-commercial use related to education, research and experiment, and requirement of license agreement content. Criteria of public interest in Plant Variety Protection reflected in provisions of compulsory license, term of protection, subject matter of plant variety protection, utilization by government, plant variety that could not be protected, the use for research and breeding of new variety, and protection of local variety

Keywords: public interest, exception, limitation, copyright, patent, plant variety protection.