

ABSTRAK

Salah satu bentuk lisensi yang diperkecualikan dalam ketentuan UU Nomor 5 Tentang Larangan Praktik Monopoli dan Persaingan Usaha Tidak Sehat adalah perjanjian lisensi kembali (*Grant-Back Licensee*). Hal ini didasarkan karena *Grant-Back Licensee* merupakan salah satu bentuk perjanjian lisensi yang mana *licensor* selaku pemilik KI melakukan legitimasi terhadap pengembangan atas KI yang dilakukan oleh *licensee* selaku pemegang lisensi. Dengan adanya penerapan klausula *Grant-Back Licensee* yang diterapkan dalam perjanjian lisensi, dapat menimbulkan persaingan usaha tidak sehat di pangsa pasar, sehingga tidak hanya dapat menimbulkan kerugian bagi *licensee*, namun bagi konsumen dan pelaku usaha pesaing, hingga dapat mematikan pangsa pasar, khususnya pangsa pasar yang terkait dengan pengembangan atas KI.

Kata Kunci : Lisensi Kembali (*Grant-Back Licensee*), Persaingan Usaha,
Perlindungan Hukum

ABSTRACT

One form of license excluded in the provisions of Law No. 5 Of 1999 On the Prohibition of Monopolistic Practices and Unfair Business Competition is a license back agreement (Grant-Back License). It is based on Grant-Back License is one of the license agreement which the licensor as the owner of Intellectual Property legitimizes the development on Intellectual Property conducted by the licensee as a license holder. The application of the Grant-Back License clause that applied in the license agreement, may lead to unfair competition in the market, so it can not only cause harm to the licensee, but also to consumers and business competitors to be able to turn off the market, especially the market share associated with the development of Intellectual Property. The Interesting issues to be discussed in this paper are (a) The characteristics of Grant Back License in terms of Competition Law Perspective (b) The forms of legal protection provided by the Competition Law Payable to the injured party in the presence of Grant Back License.

Keyword : Grant-Back License, Competition, Legal Protection