INDONESIA Speaker: Prof. Miranda Risang Ayu

※番号は、質問者を表し、同一質問者は同一番号になっています。

Q1: Does Indonesia have a national level or regional level of innovation strategy? And maybe subordinated to that an IP strategy?

A1: The strategy of innovation is involved with IP strategy. We don't have any definition of innovation, but we showed the Innovation is any materialization/corporatization of any creative activities. All products coming from IP can be regarded as innovation. As long as they have an innovative step, it can beneficial for the producers to seek protection and have what they created to be treated as innovation.
That is why we create different institutions; the most important is a new one – related to the economic creative institution. These institutions have been creating policies for innovation and creative based products. They are still very new and people say that they work too much for corporate products and that they should expand it to inventions in general. However, so they have been trying to make a program for utility models as innovation. They have been working on innovation and trying to develop institutions so that any kind of innovation can be protected.

Q2: So interesting to listen to you. Thank you for the presentation. My question is that the ultimate proof is that the scientists in Indonesia are patenting their inventions and using theirs system to do technology transfers that can continue and commercialize and keep research. I know that in Bandung there were a lot of efforts into commercializing, but in Indonesia there was a problem of creating IP assets. But the ultimate test is: are the Indonesian scientists getting patents? Or the universities? Does that happen?

A2: No, not yet. 90% of patents filed in Indonesia are filed by foreign patents. Just around 10% are Indonesian patents, and from these only 4% are commercialized. Don't compare to Tokyo University, Japan is great at registering patents. We still try to first enhance the acknowledgement that inventions are patents, they only do research. They end up only selling it without protecting them. And even so, many times they hesitate to commercialize, being afraid they will lose their right because most of them are investors and they do not know how to retain their rights. They are afraid that if they patent, they cannot commercialize. And that there are a lot of costs, because you have to pay maintenance fees.

Q2: It is a complex problem: Empowering the scientists. You completely understand the issue.

A2: The first we should amend the patent law, so that it is friendly to small inventors. We need to encourage our inventors and make it easier for them to obtain their patents.

Q3: I have some small question; you talked about the copyright as collateral. The new law only relates at copyright?

A3: This is a very new idea, there are articles in all new laws – in the Trademark, Patents, Copyright – and everything can be related as copyrights. Even in the US, valuating IP is a challenge. Is there any bank willing to accept it? How to evaluate? It is different to material assets.

Q3: It depends on the bank?

A3: Yes. It depends on the bank. There were many seminars about the topic and how to evaluate them. Are banks eager to accept them as collateral. What kind of value will they sustain? But yes, that is the idea.

Q3: But you can be put the right as collateral in one bank, and then you could possibly use it in another bank, no?

Q3: It depends on the bank, if they have a policy to accept it as a collateral or not?

Q4: The point here is that since copyrights are not registered rights, there is no clear way to prevent the right to be used as a collateral in two different places. While in registrable rights you could put a note on the registry.

A4: It is not mandatory that copyrights are registered. But we advise that important works have a letter of copyrights to make it clear. It is not a registration per se. To use them as a collateral, they should have that – a collateral registration.

Q4: I want to follow up on Cynthia's question about the challenges on the creating incentives on fostering transfer of technology between the universities and the private sector. My question is a little bit more specific, in your page 4 you mention about the

government regulation about technology transfer associated with IP resulted from R&D, I was wondering if you could elaborate further on those regulations and specifically if they impose any restrictions on the freedom of contract between higher education institution or public research institutions and the private sector. And I ask you that because some developing countries, including Brazil, has these issues. In Brazil we have an innovation law which imposes some restrictions while, of course, having the intention of helping because when dealing with the private sector, universities has less knowledge and less power to bargain.

A4: It is a very good question. We have the same kind of problem. We should have had a special law about innovation, but we did instead trough a regulation. In the spirit of the policy, we give encouragement for the inventors to protect their inventions. But the restrictions are not coming from the regulations. They come from other sources, for example: if you want make some kind of an international cooperation, as an example, for genetic related products, you have to go through special procedures different governmental departments even before you get patents. You create more administrative burdens to inventors. We also require that scientists should have an ethical assessment before they conduct their research. Maybe it costs 6 months only to give all the paper work (to do research about genetic material). The problem is how to make it easier, while ethical and just. Maybe if we can learn from universities in Japan, for example. You have staff to handle the paperwork, because otherwise it will delay the beginning of the innovation. You have to deal with many academic and administrative hardships.

Q5: I am very interested in compulsory license, they established in 2012. One of the pharmaceutical companies received such license in your country. Could you explain further?

A5: We have issued the compulsory license for some pharmaceutical based on the basis of with human rights related to the access to cheap medicines. But we also put a higher requirement to have trademark for drugs. The trademark for drugs should be highly distinctive.

Q5: But what can be an object for compulsory license? What is the meaning of necessary?

A5: It has to be decided by national policy: which medicines should be commercialized

by compulsory license or not. If the object of a patent is highly demanded by society, it can be the subjected of CL. If there is a medicine and it is highly price, it can be subject to compulsory license.