

LEGAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN DIGITAL TRANSFORMATION

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Abstract

Digital technology has significantly impacted Indonesia's legal protection of intellectual property in the modern era. Intellectual property like copyright, patents, and trademarks are more susceptible to infringement and abuse as a result of technological advancements and the rise of the internet. Given the rise in criminal activity brought on by increasingly advanced technology, protecting intellectual property rights has become vital. Intellectual property rights violations are increasingly more common and more difficult to identify. Copyright piracy, the distribution or use of intellectual works without the creators' consent, is one of the primary challenges in defending intellectual property rights in the digital age. This digital piracy mainly affects digital content such as films, music, and e-books. Although laws have been designed to protect intellectual property rights in the digital context, there are still many cases of copyright infringement. Several factors that cause digital piracy to continue to be rampant include the high price of original products, easy access to pirated products, and lack of public awareness of the importance of protecting intellectual property rights.

Keywords: *Digital, Intellectual Property Rights, Protection.*

A. INTRODUCTION

The rapid advancement of digital technology has brought significant changes, especially in the field of intellectual property. The digital era provides many opportunities for innovation, information dissemination, and the exchange of ideas worldwide. However, this progress also brings new challenges in the legal protection of intellectual property, which significantly impacts Indonesia as a rapidly growing economy.

Copyrights, patents, trademarks, and other types of intellectual property are increasingly valued as important assets in the digital era. Therefore, it is very important for Indonesia to strengthen legal protection for intellectual property. The effectiveness of the legal system in addressing digital issues and public awareness is crucial for the sustainability of innovation, investment, and national competitiveness.¹ The concept of intellectual property has evolved in the digital era. Global access to knowledge, artworks, and ideas has increased thanks to the internet and digital media. However, this development also presents significant obstacles for Indonesia's intellectual property protection system. In facing this dynamic, the Indonesian government has launched a series of efforts to ensure an effective legal system in providing protection.

In recent years, copyright violations in the digital world have seen a significant increase. Copying, distributing, and illegal digital content without permission have now become crucial issues. In response to this situation, the Indonesian government has updated copyright laws to address new challenges by adding stricter provisions regarding copyright violations on the internet, as well as granting greater powers to law enforcement agencies to tackle violations in the digital space.

In the digital era, in addition to copyright, patent protection has also become a primary concern. The rapid advancement of

¹ Suhaeruddin, U. "Intellectual Property Rights in the Digital Era: Legal and Ethical Challenges in Protecting Creative Works and Innovation". *Indonesian Law Journal*, 3(3), (2024), 122–128. <https://doi.org/10.58344/jhi.v3i3.888>.

technology drives an increase in patent applications as well as the risk of infringement. To address these challenges, the Indonesian government has taken proactive steps by revising patent regulations. In addition, the government also prioritizes the development of startup ecosystems and innovative research through various support initiatives and the provision of incentives.

The government's initiative to educate the public about intellectual property protection is the next important step. The government aims to raise awareness of the rights, responsibilities, and social and economic benefits of intellectual property protection among the general public, corporate actors, and innovators through educational and communication programs. However, this responsibility does not lie solely with the government. The private sector also plays an important role, and collaboration between the government, industry, and educational institutions is needed to formulate sustainable and adaptive policies in response to technological developments.

As a result, in the digital era, enforcing laws and implementing regulations has become a unique challenge. The complexities that arise include the challenge of identifying the appropriate jurisdiction and tracking transnational violations. Therefore, investment in digital monitoring and law enforcement technology is crucial to strengthening the protection of intellectual property rights. The paradigm of intellectual property has been completely transformed by digital transformation, as the internet and digital platforms have made information, works, and ideas easily accessible. However, this progress also triggers risks such as copyright infringement, intellectual property theft, and the circulation of counterfeit products. This research aims to explain the concrete steps taken by the Indonesian government in addressing these challenges and to evaluate their effectiveness, using normative research methods with a legal and civil law approach.

B. RESULTS AND DISCUSSION

In Indonesia, intellectual property regulations encompass various aspects, and their changes reflect the government's response to the dynamics of the digital era. One important change is found in the Copyright Law, specifically Article 1, paragraph (1) of Law No. 28 of 2014, which expands the definition of copyright to include various types of works, including those produced through digital media. Article 15B emphasizes that "the utilization of works through information technology and data transmission must be done with the permission of the copyright holder, thereby highlighting the importance of permission in digital distribution."

The importance of patent protection is reflected in Law No. 13 of 2016 concerning "Patents." Article 21, paragraph (1), emphasizes that "a patent grants exclusive rights to its holder to make, use, sell, and market the products in Indonesia." However, in the digital era, new challenges arise because products and innovations are easily duplicated. Therefore, the government must continuously update regulations to keep pace with the latest technological advancements.

On the other hand, the protection of business and product identities is regulated by the Trademark Law, namely Law No. 20 of 2016. Article 1 number 1 explains the definition of a trademark, and Article 56 regulates its criminal sanctions. In the digital era, trademark violations are rampant in online commerce, so law enforcement must adapt.² Digital identities can be misused and stolen. There are significant concerns regarding privacy and data security because careless individuals can easily hack or steal digitally stored personal data for fraud or identity theft. Additionally, patents and trademarks are key areas where intellectual property issues come to the forefront, with complex disputes arising in high-tech fields such as blockchain and artificial intelligence. In addition to harming

² Elpha Darnia, M., Dhede Monica, C., Aprillia, R., Ekonomi dan Bisnis, F., Riau, U., Pekanbaru, K., & Riau, P. "Protection of Intellectual Property Rights in the Digital Era". In JERUMI: Journal of Education Religion Humanities and Multidiciplinary E-ISSN (Vol. 1, Issue 2) (2023).

customers and brand owners, the Internet also facilitates the trade of counterfeit goods.

Several countries have enacted laws to address this issue and protect intellectual property rights in the digital era. While data privacy laws have been strengthened to protect users' digital identities, copyright laws have been updated to address elements of the digital world. International cooperation has become crucial in addressing intellectual property rights violations that occur across countries. However, challenges in the implementation and enforcement of laws often become obstacles in maintaining the protection of intellectual property rights in the digital era. The rapid pace of innovation and the complexity of technology make it difficult for the law to keep up with its development. At the same time, the differences in legal systems between countries also add to the difficulty in law enforcement involving multiple countries.

In addition to regulations, education and raising public awareness are also important for protecting intellectual property in the digital era. Understanding Intellectual Property Rights (IPR) fosters awareness of the importance of protecting copyrights and trademarks, while digital platforms support this through anti-piracy policies. Some countries even adopt modern approaches, such as open IP systems, to facilitate collaboration and knowledge sharing among innovators.

Legal protection for intellectual property in the digital age is a complex yet crucial challenge. By acknowledging the shifts in the digital world and the various new obstacles that arise, collaboration between sectors and countries is needed to enhance IP protection and ensure the continuity of innovation in the future. With the rapid advancement of information and communication technology, the question of legal protection of intellectual property rights in the digital era has become very important. IPR protection faces difficult challenges in the ongoing digital transformation process that must be addressed immediately. This essay discusses several topics related to the legal protection of intellectual property rights in the digital era, such as obstacles, regulatory functions, and their impact on economic growth and creativity.

The government's commitment to strengthening intellectual property protection is evident from its participation in various international agreements, including the TRIPS Agreement under the WTO. This is an effort to address global issues in preserving creativity and innovation. Although this law offers a clear structure, collaboration between the public, business, and social sectors is necessary for its implementation. Campaigns for education and awareness are also very important in helping the general public better understand their rights and responsibilities regarding intellectual property in the digital era.³

It is very important to emphasize how legislation and technical developments must work together. To ensure that intellectual property protection in Indonesia remains up-to-date and effective in facing changes in the digital era, continuous updates and modifications are necessary, even though the law provides the legal foundation.

The rapid advancement in digital technology has lowered the standards of intellectual property in Indonesia, necessitating a flexible and accountable legal framework. To address this challenge, the Indonesian government has implemented many legal reforms aimed at strengthening intellectual security in the digital era. Law No. 28 of 2014 on "Copyright" has undergone significant revisions. Article 1 paragraph (1) states, "Copyright includes works produced through all types of media, including digital media." This enhancement reflects the changes in the world of digital creativity, where works are easily disseminated through online platforms.

The use of works through information technology and data transmission must obtain permission, as stipulated in Article 15B of the Copyright Law, which states that "any utilization of works through information technology and data transmission must obtain permission from the copyright holder." This law provides a strong

³ Suhaeruddin, U. "Intellectual Property Rights in the Digital Era: Legal and Ethical Challenges in Protecting Creative Works and Innovation". *Indonesian Law Journal*, 3(3), (2024), 122–128. <https://doi.org/10.58344/jhi.v3i3.888>

legal foundation to protect copyright holders from unauthorized or illegal use in the digital realm.

Nevertheless, enforcing copyright law in the digital era remains a challenge. Although the law establishes a legal foundation, its practice often faces challenges due to the cross-border nature of the internet. Therefore, global collaboration and an efficient law enforcement approach are necessary. In addition, strengthening national regulations must be accompanied by the allocation of funds for monitoring technology and digital law enforcement to address challenges in cyberspace.

Law No. 13 of 2016 on "Patents" serves as the foundation for protecting technological innovations in Indonesia. Article 21 paragraph (1) states, "a patent grants the holder the exclusive right to make, use, sell, or import the produced product into Indonesia." The gap in protection between patent holders and those who want to utilize innovations is highlighted by this legal shift. However, because inventions can be easily duplicated or modified online, new issues arise in the digital era. Therefore, strong patent enforcement becomes more important in the digital era.⁴

The implementation of Law No. 20 of 2016 concerning "Trademarks" has evolved into an important component of Indonesia's intellectual property legal system over time. According to Article 1 Number 1, "a trademark is a transferable symbol used for goods or services." Meanwhile, Article 56 emphasizes "the legal consequences of trademark infringement by stipulating criminal penalties for such violations." Trademark violations have become more common in the digital era, especially in terms of online sales of counterfeit or imitation goods. Therefore, to protect customer rights and trademarks, efficient law enforcement in the digital realm is crucial.

Implications for innovation and the economy

⁴ Sheva Anneira Akbar, A. Mulia Rahmadinah Adnan, & Fikri Aiman Naufal Azmi. "Legal Protection of Intellectual Property Rights in the Digital Era. *Doctrin: Journal of the World of Law and Politics*", 2(4), (2024), 11–22. <https://doi.org/10.59581/doktrin.v2i4.3608>.

Innovation and the economy as a whole are significantly influenced by strong legal protection for intellectual property rights (IPR). On one hand, by protecting the investment of time, money, and effort put into creating new objects, this protection encourages creativity and innovation. However, excessive regulation can also stifle creativity. For example, excessive copyrights or overly broad patents limit others' capacity to build upon previously created works, ultimately hindering the flow of ideas and technical progress.

Moreover, protection of intellectual property rights also has a significant impact on the economy. In terms of GDP and job creation, the IPR sector, which includes the music, film, and technology industries, contributes significantly. Thus, effective patent and copyright protection can contribute to economic expansion. In the digital era, legal protection of intellectual property rights requires a number of initiatives to ensure that innovations and creative works are adequately protected in the ever-changing digital landscape. These measures include the creation and implementation of appropriate regulations, enhanced law enforcement, public education, and international collaboration.

First of all, the development and implementation of appropriate regulations are the main factors in protecting intellectual property rights in the digital age. These regulations must cover various digital topics, including data security, online privacy, and electronic copyright. To remain relevant in the rapidly changing digital landscape, copyright and trademark regulations must be updated periodically. Moreover, to effectively combat intellectual property rights violations in the digital era, law enforcement agencies, online service providers, and rights holders must collaborate to identify and combat copyright infringements, counterfeit goods sales, and trademark counterfeiting.

In the digital era, public education is as important as IP protection. The public must be made aware of the dangers of content piracy and the purchase of counterfeit goods online, as well as the importance of protecting copyrights and trademarks. Businesses and consumers can become more aware of these risks through outreach and educational initiatives. Additionally, because the internet

transcends national borders, international collaboration is crucial to address the challenges related to IP protection in the digital realm. With the support of frameworks and international agreements such as free trade agreements and multilateral forums, cross-border cooperation is crucial for efficient information sharing and law enforcement.

In general, a comprehensive strategy involving appropriate regulations, strong law enforcement, public education, and international cooperation is necessary for the legal protection of intellectual property rights in the digital era. Only by combining these various efforts can an environment that supports innovation and creativity be created, while also safeguarding intellectual rights amidst the rapid development of the digital world.

C. CONCLUSION

In conclusion, legal protection for intellectual property rights in the digital era is a complex and highly important issue that requires a comprehensive approach. Various challenges such as copyright infringement, data protection, and global competition in patents and trademarks need to be addressed seriously. Therefore, robust and efficient regulations are needed to address these issues without hindering innovation and economic development.

In the digital era, the protection of intellectual property rights requires a balance between maintaining the rights of artists and other holders and promoting the dissemination of discoveries and ideas that advance society. We can create conditions that support sustainable development in this digital era by taking steps such as updating regulations, enforcing them strictly, educating the public, and collaborating internationally.

Reactive regulatory updates, strict law enforcement, education on the value of enforcing intellectual property rights, and greater international collaboration in identifying and addressing cross-border IP violations are some suggestions to strengthen IP protection in the digital era.

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