



Vaccine Patent Rights during the Covid-19 Pandemic as a Form of Justice in Protecting Human Rights

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<http://dx.doi.org/10.47814/ijssrr.v6i11.1800>

Abstract

The advent of the corona virus at the end of 2019 could not have been accidental, leaving nearly every country in the world. These fall into the category of non-natural disasters that pose a serious threat to human life as well as the economic sphere. The WHO finally declared it a pandemic. The pandemic boosted new products that had an intellectual property value: one of them was vaccine products. The rules for safeguarding intellectual property rights could lead to the practice of monopolizing knowledge by the pharmaceutical industry in developed countries. Since the pandemic is a global crisis, some countries demand an override or waiver the property rights of intellectual TRIPS (trade-related materials) on the key technologies of vaccine products. Covid-19 patent waiver is expected to be effective in leveling vaccines around the world. This is possible only with the efforts of developing countries to unpatent vaccine research and development in order to establish immunity to the corona virus.

Keywords: *The Corona Virus; Ignorance of Intellectual Rights; TRIPS*

Introduction

Intellectual property rights are, in effect, possessions that possess intellectual (material or intrest) things. Therefore, intellectual property owners have the freedom to do whatever they want and protect ideas and works that have commercial value.¹ Intellectual property rights were also an tribute to the work.

The right of intellectual property grants the right to profit financially from creativity.² The basis of trade property rights (also known as covenants TRIPS) on intellectual property on the international level, the covenant on intellectual property rights (TRIPS agreement), which includes all intellectual

¹ Tim Lindsey, *Hak Kekayaan Intelektual: Suatu Pengantar*, (Bandung: Alumni, 2005)

property categories, such as copyrights, neighbouring rights, patent, trademarks, services marks, and trade names, and Geographical Indicators.

The patent is a legal right, based on the concept of rights. Rights may be asked to be exercised by law, but if not requested, the rights are loosed. As a legal right, patents also give away exclusive rights to technological invasion. Many patent unrest worldwide appears to be caused by the covid-19 pandemic. Every creation created by man must be protected by the state by intellectual property rights. This is especially true of processes or items that can be registered as patents. But there are different conditions that can protect things so that they can have a valid monopoly. This TRIPS on international law known as TRIPS, or aspects of commercial intellectual property rights.

Many companies are pursuing patents to the covid-19 vaccine. This is due to the discovery and process of development, as well as current legal requirements. For twenty years, patents will be given, to the benefit of its discoverer

India and South Africa filed waiver on October 2, 2020, asking the WTO to make concessions to protect the rights of intellectual property - control, prevention, and treatment of covid-19 during the pandemic. The research on TRIPS agreement that there can't be an override on some provisions on TRIPS.

This pandemic is triggering a shift from the conventional to the technological age, or the digital disruptsi. With the rise in technological applications, innovation emerged asa consequence of social restrictions during the pandemic. This suggests that intellectual property is familiar and always connected with every aspect of modern life. As for the essence of protection on intellectual property encompasses exclusive rights, which divide into moral and economic rights.

With many technological innovations that are helpful in preventing the covid 19 virus from being produced, these innovations in health technology could be, in effect, induced to patent to the state or could also be released from patent to patent. Intellectual property rights are essentially the property of an intellectual object, an impersonal and immaterial object so that the possessor of intellectual property could do according to his will. The right of intellectual property grants the right to enjoy economically the result of an intellectual creativity.³

In the field of technology, the inventiveness protected by patent categories has patent and technicians who have a monopoly on exploiting their work. In other words, inventions should be allowed by patent and patent holders to use.⁴

Not all new discoveries are either in the form of products or the process of one can be patented. A new innovation can be patented only if it does not contain biological components such as microorganisms, animal cells, or other unnatural ACTS. Furthermore, such innovation must be demonstrated to be beneficial and applicable in human life.⁵ Such innovation must be proven useful and can be implemented into human life.

The discovery of vaccines was indeed a result of the scientific exam, which made it readily available was also a humanitarian test for capitalist communities in the world today. The discovery of the covid-19 vaccine is a major advance that can help the world recover.

In the context of the covid-19 vaccine, there is a proposed intellectual property rights proposal to increase access to it in handling covid-19; One of the proposed tools there is through chapter 73 (b) treaty

³ Sunaryati Hartono, (1982), Hukum Ekonomi Pembangunan Indonesia, Bandung: Binacipta

⁴ Rachmadi Usman, 2003, Hukum Hak atas Kekayaan Intelektual, Perlindungan dan Dimensi Hukumnya di Indonesia, Bandung: Alumni

TRIPS. 16 chapters 73(b) TRIPS agreements are exceptions that also exist in WTO covenants such as general agreement on tariffs and trade (GATT) and general agreement on trade services (gats), together known as a security clause compatible. This clause has never been used once by the members of GATT 1947 and WTO in its 70 years, and it was not used for the first time in 2017 and 2018

On the phenomenon, representatives of the developing nations of India and South Africa requested the world trade organization (WTO) to ignore TRIPS in 2020. TRIPS waiver was intended to give nations the flexibility to choose to protect patents, industrial designs, copyright rights, and trade secrets free of the covid-19 medicine. Keep in mind that intellectual property rights protect many of the drugs, medical equipment, and vaccines used in the treatment of covid-19.

They believe it is a moral obligation to ensure equality and justice in health that should be enjoyed by all, so they want the covid-19 vaccine to be freely accessible.

Formulation of the Problem

- 1) What about patent law protection by treaty TRIPS?
- 2) How does the patent flexibility fit into the covid-19 vaccine?

Research Methods

The research method used in writing the law is the normative-juridical approach. The normatitic juridical approach is the approach made based on the main legal material by studying the theories, concepts, principles of law and the regulations of legislation related to the study. It is also known as the approach to literature, that is, by studying books, regulations of legislation and other documents relating to the study.⁶

Research approaches in normative legal research are very varied, some approaches used: current law legislation (approach approach) and comparative approach (approach approach) are approaches that compare concepts, views and doctrines that develop in legal science.

Discussion

1. The Patent Rights As Constitutional Rights To Intellectual Property

a. The Patent Law Review As Intellectual Property Rights

Patent has been one of the most internationally recognized intellectual properties for new innovations, the exclusive rights to new products, processes or solutions to existing problems. Patent holders also have the right to prevent the use, sale, or import of products produced from the innovation.

As for the internsonal laws governing intellectual property rights on TRIPS on file. The purpose of guaranteeing the protection of intellectual property rights and the certainty of the ordinance law to exercise intellectual property rights so as not to be a hindrance to free commerce. TRIPS as instruments of contemporary intellectual property protection have been recognized in a number of bilateral treaties, which will also eventually determine national intellectual property rights laws worldwide. TRIPS

⁶ Johnny Ibrahim. *Teori Dan Metodologi Penelitian Hukum Normatif*. (Malang: Banyumedia Publishing, 2006). hlm. 27

officially applied since 1995. That every member of the WTO organization obliged to comply on treaty TRIPS.⁷

According to model utilities, the patents are divided into ordinary and simple patents. Ordinary patents require deep research or development, which has more than one claim. Instead, simple patents have only one claim and do not require special research or development.⁸

Patents consist of three additional patents, import patents, and other patents. Patents are discussed in part five of the TRIPS rules. Patent can be obtained for every innovation, both product and process, in every field of technology, as long as it is new, is inventive, and applicable in the industry. Patents are not dependent on discovery sites, technological domains, or whether products are imported or made indoors.

Patents are called "technology," and "technology" refers to science that studies toolmaking and processing methods to assist a variety of human occupations. Examples are information and communication technologies, education, transportation, health, and construction. Each patent should contain a new feature.

In general, patent rights are valid only in the country or in the region where they are registered and given, according to the laws of the state or in which they are registered. TRIPS on the convention TRIPS are mentioned and mentioned in the above-mentioned conventions, although not explicitly expressing their adoption. In article 2, clause 1 of Paris convention for the protection of industrial property, the principle of treatment national is used for patent protection

For any violation of their rights, they will receive the same protection and restoration as previous citizens, with formal conditions to be observed. It would be a byproduct of red tape that individuals who registered their intellectual property rights to a state by law or by the rules set by that country for the registration of intellectual property rights would be protected by intellectual property rights.

The state has the authority and freedom to make the rules. By complying with these rules, the owner or registrator of intellectual property rights can enjoy the results of his invasion.

Intellectual property rights not only served as a protection of the law but also constituted an appreciation of the intellectual work created. The product of human thinking is a source of wealth and survival and that entire property is, in essence, intellectual property. Violation of one's intellectual property is a crime of intellectual property in relation to the process of life and, therefore, is an immoral act.

b. The Patent On The Anti-Covid-19 Vaccine Was Reviewed From The Treaty Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) And The Doha Declaration.

The treaty TRIPS sets the minimum protection standards that must be honored by all member states and explains further the major elements of protection that are given, a rights that must be granted with the exception and a minimum time span to honor covenant obligations. The main WIPO convention, the Paris convention and the Bern convention.

After the Uruguayan round negotiations, the GATT member states also agreed to form an agency called the world trade organization (WTO), as the successor of GATT. Various basic principles that

⁷ Sudaryat, et. al., Hak Kekayaan Intelektual: Memahami Prinsip Dasar, Cakupan dan Undang-Undang yang Berlaku, (Bandung: Oase Media, 2010)

⁸ Chairul Anwar, 1992, Hukum Paten dan Peraturan Perundang-undangan Paten Indonesia, Bandung: PT Djambatan

become the basis of the GATT asa system based on an integral set of thought or conception. The basic principle of GATT is also included in the general approval text as an instrument of the law of GATT.⁹

The principle underlying GATT asa system includes the principle of waiver and emergency restrictions of import. GATT also allows for exemptions in the form of lightening and other emergency actions. Among other things, the exception of acceptable lightness is the one that actually violates GATT.¹⁰

At the ministerial level conference in doha in 2001, developing countries tried to enhance the protectors on TRIPS treaties so that they could get access to drugs without having to buy expensive patents. The update stipulates a necessary drug license.

Debate and appeal between the exploitation of patents and access to drugs as part of public health gets a lot of criticism, especially from the UN's national health organization the WHO and other nonprofit organizations. On the occasion of changes on the treaty TRIPS, the doha rounds provided solutions that diminished and expanded for four years of negotiations.¹¹

Flexible kind of patent protection includes in the WTO treaty on intellectual property TRIPS agreement. The 1995 treaty TRIPS did not discuss necessary licenses, but further on the doha treaty on TRIPS and public health after adoption. On adoption, treaty TRIPS introduced the necessary licenses in chapter 31 on the use of additived without the rights holder's consent.

Developing countries have the flexibility to create generic versions of essential drugs, such as HIV/AIDS, cancer, hepatitis, and tuberculosis, because of compulsory licenses based on doha declaration on the TRIPS agreement and public health.

So far, the covid-19 vaccine has successfully prevented the virus from spreading worldwide and requires significant social restrictions that impede public mobility.

Patent waiving the covid-19 vaccine will not grant the inventor of the monopoly vaccine to profit from his findings but will provide opportunities for people around the world to recover, receive immunity from the corona virus, and hasten the end of the pandemic.

The discovery of the covid19 vaccine must be viewed from an economic and social standpoint as it is an effort to restore public health, or restore public health. Furthermore, the discovery must take into account the economic and moral rights of the creator of the vaccine.

To develop the covid-19 vaccine, many stages of research and clinical trials will take, perhaps years, to ensure their human quality, effectiveness, and safety. The production of this vaccine must follow the following process:

(1)a Pre-Clinical Study

In this first phase of research, to find out how effective and safe the covid-19 vaccine is, this first phase of research will use animal experiments in the lab. Researchers will also determine if the vaccine is viable and if there are side effects.

(2)Clinical Trial Phase I

⁹ Kartadjoemena. H.S., "Substansi Perjanjian GATT / WTO Dan Mekanisme Penyelesaian Sengketa, System, Kelembagaan,Prosedur, Implementasi, Dan Kepentingan Negara Berkembang,," Universitas Indonesia Press.

¹⁰ Suardi., "Pengaturan World Trade Organization Dalam Hukum Internasional Serta Konflik Kepentingan Antar Negara Maju Dan Negara Berkembang," Jurnal InspirasiNo. XIII E (2012): 10.

¹¹ Samariadi, "Pelaksanaan Compulsory Licensing Paten Obat-Obatan Bidang Farmasi di Indonesia Dikaitkan dengan Doha Declaration On The TRIPS Agreement and Public Health", De Laga Lata 1 No. 2 (2016): 451.

In phase I clinical trials, for testing the safety of the human body, the covid-19 vaccine is usually given to healthy adult volunteers in the clinical trials. If deemed safe and effective, the vaccine can continue to phase ii of clinical trials.

(3)Phase II Clinical Trials

To enhance the variety of received samples, clinical trials phase ii of the covid-19 vaccine would require more volunteers. The purpose of the clinical trial is to determine if it is effective, safe, receive the right dose, and how the immune system responds to vaccines.

(4)Clinical Trials Phase III

At this stage, vaccines will be given to many people with different conditions to accept vaccinations. After the vaccine is administered, scientists will monitor the immune response to the side effects. Nowadays, research can last months or even years.

(5)Phase IV After Marketing Supervision

It is possible only after effective, safe vaccines have been found. Now allowed to give humans a vaccine, but since it is a new kind of vaccine, many researchers will still need to do further study and evaluation to assess their effects on humans in the long run.

For the best results, the covid-19 vaccine finished clinical trials and achieved the best results, and it will soon be produced and distributed to the general public. Since the who recommends that at least 70% of the population of every country be vaccinated, at least 180 to 200 million people in Indonesia should be vaccinated if it is declared safe and effective.

Hence, the covid-19 vaccine must have "technology" and patents must have "novelty" or novelty. Covid-19 came from a virus never before discovered. The virus first appeared in wuhan, China, in 2019. After the covid-19 virus spread and spread, researchers began working to create a vaccine that could prevent the spread of the virus. The covid-19 vaccine is new and has never been discovered before.

2. TRIPS Waiver as a Form of Patents Flexibility

a. Patents on Treaty TRIPS in the Case of Vaccine Covid During the Pandemic

The covid-19 vaccine was something that emerged in response to the covid-19 outbreak in late 2019. In the process of coming up with essential drugs, there's no small cost. That is why patent registration for the product can set the price of the product and prevent others from using it without a permit.

On TRIPS waiver, India and South Africa TRIPS TRIPS waiver on TRIPS waiver on TRIPS trip, and TRIPS made relief efforts to unite in the fight against covid-19. Article 8 TRIPS actually arranges special treatment like waiver TRIPS. This article enables member states to make laws that weigh public health protection and other vital sectors. In this case, in line with the main point of waiver trip's proposal to void the covid-19 patent vaccine. A number of countries, especially developing countries, agree with these applications, but some developed countries keep on opposing the rules of TRIPS.

The main proportion is to ignore the covid-19 vaccine patents during the pandemic, so quick and massive distribution of the vaccine can be made. This is because the covid-19 pandemic has literally claimed many lives in a short time, increasing the death toll worldwide. The existing crises in South Africa include the HIV (HIV) crisis, the 2004 H5N1 flu outbreak, and the 2009 H1N1 flu outbreak, all of which pose a problem for developing countries to get medicine.

To TRIPS waiver on board with principles of humanity, on covid-19. On TRIPS TRIPS on TRIPS, article 8 TRIPS TRIPS on special applications such as waiver TRIPS, which enabled member states to legislate on public health protection and other major sectors. In this case, in line with the main point of waiver trip's proposal to void the covid-19 patent vaccine. A number of countries, especially developing countries, agree with these applications, but some developed countries keep on opposing the rules of TRIPS.

The vaccine which is now running into the difference between delivery of the apartheid vaccine/vaccine (vaccine apartheid), where wealthy countries buy almost out of supply so that others do not share it equally. Neglect of the covid-19 vaccine is focused more on the country it came from.

For example, a Pfizer vaccine made in the United States. If America agrees to neglect the covid-19 vaccine, it means that other countries can freely request the vaccine formula for such USES: to be produced independently in the country. But if America does not agree with the covid-19 vaccine waived, then another would have to do a legal clearance procedure in order to obtain its data through a license.

The rise of the covid-19 vaccine and the growing health issue, raises the exclusion of exclusive rights to an indirect influence on the quantity of patented vaccines, making the product more difficult to obtain and costly, not even in rare cases of price discrimination. These realities show that exclusive prosecutions are initially charged for their invasion, eventually becoming a means of certain parties, such as an interested company, to put a price at their convenience.¹²

That patents have principles of social function. This principle proclaims the rights of individual citizens to be limited by the interests of citizens to exploit and patent. The advent of social function serves to maintain an equilibrium between conservative interests and public interest.¹³ It alone contains in article 31 TRIPS, that is:

“Where the law of a Member allows for other use of the subject matter of a patent without the authorization of the right holder, including use by the government or third parties authorized by the government.”

The stipulations basically allow WTO members to hold patents without approval from patent holders, which would include government patent enforcement. All member states, including Indonesia, are obliged to fulfill fully treaty TRIPS. On the occasion of the second amendment to the house of representatives DPR on the second amendment to the house of representatives DPR on the second half of 2007, the minister said on the occasion of the delay in the 2008 state budget.¹⁴

Covid-19 continuous global access (COVAX) is made up of the global community. COVAX is a global alliance for immunization (GAVI), the coalition for epidemic preparedness (CEPI), and the world health organization. COVAX's purpose is to promote development, production, and equalization of access to new vaccines, therapies, and diagnoses of covid-19. COVAX also facilitates access by helping pharmaceutical companies interact with their vaccines and to adjust portfolios giving covid-19 vaccines to each country, both developed and developing.

¹² Cita Citrawinda Priapantja, 2003, Hak Kekayaan Intelektual Tantangan Masa Depan, Jakarta: Badan Penerbit Fakultas Hukum UI.

¹³ Sunaryati Hartono, 1982, Hukum Ekonomi Pembangunan Indonesia, Bandung: Binacipta.

¹⁴ N.K.S. Dharmawan, “Relevansi Hak Kekayaan Intelektual Dengan Hak Asasi Manusia Generasi,” Jurnal Dinamika Hukum 14, no. 3 (2014).

b. TRIPS Waiver on Government TRIPS TRIPS Waiver on Account of Justice on Account of Humanitarian Protection during the Covid Pandemic

In hindsight of the theory of justice of Gustav Radbruch, the law held the value of justice, and was a measure of "justice" in the legal system.¹⁵ Justice that positive law comes from. The value of justice became an essential element to the law as a law to have dignity.

A rule is not a law when there is no acidity. Therefore, on account of the application of precipitation on TRIPS, in this pandemic era, it has been rated on high importance to be implanted. With the current pandemic situation it would be only natural if an invention could be used for the people of the world, without neglecting the efforts of vaccine inventors. And remember, too, that intellectual property rights systems base on economic principles, principles of justice, social and cultural principles.¹⁶

Juridical Aboard the marrakesh treaty, a document that makes up the world trade organization (WTO) states that "for override there must be extraordinary conditions to justify that decision, the conditions and policies that govern the application of its policies, and the date of annulment will end." It's understandable that the marrakesh accords allow for an adoption of leniency in extraordinary circumstances.

TRIPS and doha declaration have granted sufficient passage to address the problem both with compulsory licenses and with parallel import. The flexibility provides members of the WTO sufficient coverage to override pharmaceutical patent requirements relating to the fair and equitable distribution of covid-19 drugs to combat the pandemic and save lives and economies. But it should be noted that the point of the problem lies in monopolizing the patent of a vaccine owned by the manufacturer.

The Doha Declaration provides an opportunity for public-health matters in developing and underdeveloped countries as a result of the implementation of patent protection in the pharmaceutical industry. According to chapter 4 of the doha declaration, for example, provides a valid reason for the administration of flexibility TRIPS for the purpose of protecting public health and improving access to essential drugs

On the basis of utilitarianism, efforts to maintain public health can be said that implementing the flexibility of treaty TRIPS to combined civilisations through any set of laws that ratify them can be received if applying this flexibility can result in the greatest benefit that local communities have access to basic drugs, called public health goals, can be achieved.

That waiving the patents of the covid-19 vaccine will not grant inventors economic rights, but it can help global society to heal, get immunity from the virus, and hasten the end of the pandemic. Even on TRIPS waiver there, there are agreed on and some on board. However, the registered state authorities remain in charge of providing patents to inventors.

On the issue of compulsory treaty TRIPS to allow developing countries to allow the use of the patented subjects needed for the production and supply of the covid -19 vaccine without approval from the rights holder as far as it takes to overcome the covid -19 pandemic.

To enable everyone to have a vaccine equally, it requires strong commitment that puts human welfare above profit. Thus, the business as usual paradise-especially the monopoly of intellectual ripens-should be deleted. To ensure fair access to vaccines and medical treatment regarding covid-19 is open, production competition and prices are needed.

¹⁵ O. Notohamidjojo, Soal-Soal pokok Filsafat Hukum, Griya Media, Salatiga, 2011, Hlm. 33.

¹⁶ Afrillyanna Purba, et. al., TRIPs-WTO & Hukum HKI Indonesia: Kajian Perlindungan Hak Cipta Seni Batik Tradisional Indonesia, (Jakarta: Rineka Cipta, 2005)

Furthermore, what now calls for waived the legislation on intellectual property protection, especially the legislation on the TRIPS WTO treaties. This was needed to enable universal and inexpensive access to medical treatment without the power of a market monopoly.

Chapter 31 of the treaty TRIPS enables governments to apply patents. This allows WTO members to file patents without requesting patent permits in certain conditions that are important to the public.

Government patent regulations enable patent holders to make certain patents for national security and public health purposes in emergency situations.

In a moral sense, inventors derive satisfaction from their discoveries that help sustain human life. This neglect does not last forever; It only lasted until the covid-19 pandemic ended. After the pandemic ended, inventors could re-use their rights if they wanted to be registered for the covid-19 vaccine.

Apart from the invested resources and exclusive rights of the inventor, other possible risks are also insignificant. This is because these rights are fully owned by certain individuals or organizations. On the whole, this war on TRIPS has been done according to the rules and treaties that TRIPS around the world.

Conclusion

Intellectual property rights can be protected through chopping, but they should not be considered the most important thing for the state. Human rights demand safe and affordable access to drugs. Pharmaceutical monopoly on r&d and medical supplies, along with restrictions chapter 31, has caused a health care crisis. TRIPS on TRIPS attempted to override chapters 1, 4, 5 and 7 parts ii of TRIPS treaties, and chapter 31.

In the face of the current global pandemic, the urgency of negation TRIPS is expected to open the door to regulating the protection of intellectual property on medicines, vaccines, and other technologies related to pandemic treatment. Once blanket immunity has been achieved, there goes back on IP applications on TRIPS, which can be granted patents for 20 years.

Reference

- Afrillyanna Purba, et. al., TRIPS-WTO & Hukum HAK KEKAYAAN INTELEKTUAL Indonesia: Kajian Perlindungan Hak Cipta Seni Batik Tradisional Indonesia, (Jakarta: Rineka Cipta, 2005).
- Cita Citrawinda Priapantja, (2003), Hak Kekayaan Intelektual Tantangan Masa Depan, Jakarta: Badan Penerbit Fakultas Hukum UI.
- Chairul Anwar, (1992), Hukum Paten dan Peraturan Perundang-undangan Paten Indonesia, Bandung: PT Djambatan.
- Dea Melina Nugraheni.(2011).Perlindungan Paten Dan Fleksibilitas Persetujuan TRIPS Di Bidang Farmasi Di Indonesia. Universitas Indonesia.
- Hertanti, H., Prakoso, A. Hertanti, H., Prakoso, A. "Hentikan Monopoli HAKI Terhadap Covid 19 Laksanakan TRIPS Waiver, J." Indonesia For Global Justice, (2021). <https://igj.or.id/hentikan-monopoli-haki-terhadap-covid19-laksanakan-TRIPS-waiver/>.

- Kartadjoemena. H.S., “Substansi Perjanjian GATT / WTO Dan Mekanisme Penyelesaian Sengketa, System, Kelembagaan, Prosedur, Implementasi, Dan Kepentingan Negara Berkembang,” Universitas Indonesia Press.
- M.Irfan Dwi Syahroni. (2021). Penerapan Klausul Fleksibilitas TRIPS Agreement Dalam Pasal 20 Undang-Undang Nomor 13 Tahun 2016 Tentang Paten Terhadap Importasi Vaksin Covid-19. Universitas Jember.
- N.K.S. Dharmawan, “Relevansi Hak Kekayaan Intelektual Dengan Hak Asasi Manusia Generasi,” Jurnal Dinamika Hukum 14, no. 3 (2014).
- O. Notohamidjojo, Soal-Soal pokok Filsafat Hukum, Griya Media, Salatiga, (2011), Hlm. 33.
- Rachmadi Usman, (2003), Hukum Hak atas Kekayaan Intelektual, Perlindungan dan Dimensi Hukumnya di Indonesia, Bandung: Alumni.
- Samariadi, “Pelaksanaan Compulsory Licensing Paten Obat-Obatan Bidang Farmasi di Indonesia Dikaitkan dengan Doha Declaration On The TRIPS Agreement and Public Health”, De Laga Lata 1 No. 2 (2016): 451.
- Suardi., “Pengaturan World Trade Organization Dalam Hukum Internasional Serta Konflik Kepentingan Antar Negara Maju Dan Negara Berkembang,” Jurnal Inspirasi No. XIII E (2012): 10.
- Sudaryat, Hak Kekayaan Intelektual: Memahami Prinsip Dasar, Cakupan dan, Undang-Undang yang Berlaku, (Bandung: Oase Media, 2010).
- Sunaryati Hartono, 1982, Hukum Ekonomi Pembangunan Indonesia, Bandung: Binacipta Tim Lindsey, Hak Kekayaan Intelektual: Suatu Pengantar, (Bandung: Alumni, 2005),.

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