



Management of Intellectual Property Rights at the Universitas 17 Agustus 1945 Surabaya

Tomy Michael; Sahat Saragih

Universitas 17 Agustus 1945 Surabaya, Indonesia

Email: tomy@untag-sby.ac.id

<http://dx.doi.org/10.47814/ijssrr.v5i8.528>

Abstract

In the end, the improvement of the Tridharma of Higher Education is the main thing in copyright. Good management will produce copyrights that are truly in accordance with the expertise of the lecturer. Thus the form of accountability remains with the lecturer and there is a division of justice in the line of work so that the provision of incentives is performance-based.

Keywords: *Management; Property; Quality*

Introduction

In improving the quality of the Tridharma of Higher Education, good cooperation is needed. The Tridharma of Higher Education is an activity of developing and disseminating science and technology. The Tridharma of Higher Education is identical with lecturers who carry out education, research and community service according to their respective scientific fields.(Nugraha et al., 2019) In this perspective, the Tridharma of Higher Education must be supported by the entire academic community because this progress is related to the policies taken. When the policies taken are appropriate but there is no support from the academic community then this is not optimal progress, and vice versa.

In particular, the researcher raised the management arrangements made by lecturers in the Tridharma of Higher Education, especially intellectual property rights. Intellectual property rights have the main principle that the results of creativity and work by using their intellectual abilities, the individual who produces them gets ownership in the form of natural rights. So the intellectual property rights system is based on the principles of justice, economic principles, cultural

principles, and social principles. A creator of his work or someone else's work that produces results from his intellectual abilities, deserves to be rewarded. In economic principles, human needs are said to be reasonable because of their economic value.(Furqania & Michael, 2021) Then essentially every human work aims to maintain his life where these works will cause a movement of life that must produce more subsequent works. In the last principle, namely social, it is said that the granting of rights by law shouldn't be given solely to fulfill individual interests but must fulfill the interests of the whole community.(Inayah, 2020) Intellectual property rights in the form of copyright which have been regulated in the Decree of the Rector of the Universitas 17 Agustus 1945 Surabaya Number: 007/SK/R/I/2022 concerning Incentives for Copyright Registration at the Universitas 17 Agustus 1945 Surabaya. There are limitations in providing incentives to support the Tridharma of Higher Education

This research was conducted at the Universitas 17 Agustus 1945 Surabaya with the following methods:

- a.The researcher tries to understand the research subject based on the researcher's perspective.(Yunarsih, 2020)
- b.Researchers use data in daily activities that have been collected and then interpreted by looking at the existing conditions.
- c.Provide conclusions on the condition of the legal facts seen.(Michael & Sudini, 2021)

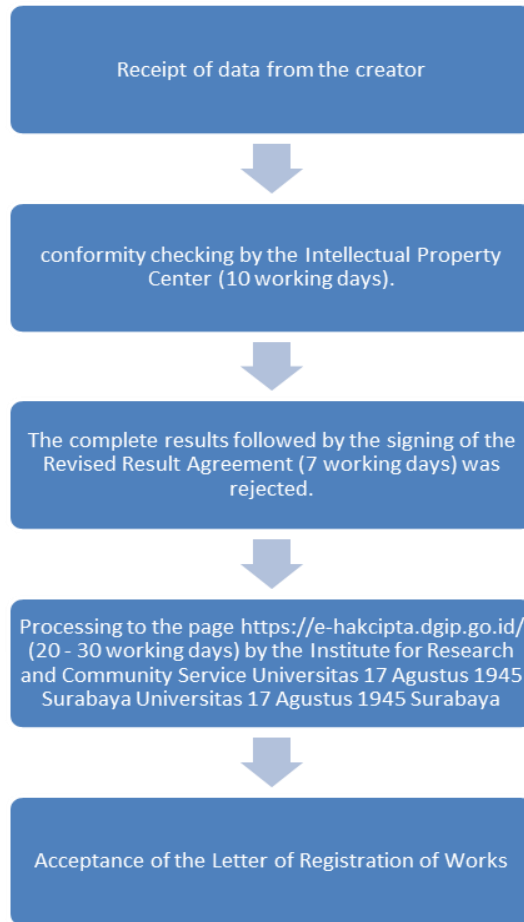
In addition, the data collection technique is literature study based on secondary data, which consists of primary legal materials, secondary legal materials and tertiary legal materials. The data analysis technique will be using (Murnawan et al., 2022)the normative analysis method, which is a way of interpreting and discussing research results based on legal understanding, legal norms, legal theories and doctrines related to the subject matter. Legal norms are needed as the major premise, then they are correlated with relevant facts that are used as the minor premise and through a syllogism process a conclusion will be drawn on the problem.(Karim, 2021)

Literature Review

**Chancellor’s Decree Universitas 17 Agustus 1945 Surabaya Number: 007/SK/R/I/2022
concerning Incentives for Copyright Registration in the Environment**

| Type of creation | Creation Subtype | Performance-based incentives |
|------------------------|----------------------|------------------------------|
| Papers | Booklet | IDR 2.000.000 |
| | a. Reference | IDR 3.000.000 |
| | b. Monograph | IDR 2.500.000 |
| | c. Teach | IDR 2.000.000 |
| | Manual | IDR 2.000.000 |
| | Textbooks | IDR 2.000.000 |
| | Potpurri | IDR 2.000.000 |
| | Dictation | IDR 2.000.000 |
| | Dictionary | IDR 2.000.000 |
| | Module | IDR 2.000.000 |
| | Novel | IDR 2.000.000 |
| | Interpretation | IDR 2.000.000 |
| | Translate | IDR 2.000.000 |
| Artwork | Props | IDR 2.000.000 |
| | Architecture | IDR 2.000.000 |
| | Map | IDR 2.000.000 |
| Audio-visual works | Film | IDR 2.000.000 |
| | Story films | IDR 2.000.000 |
| | Documentary film | IDR 2.000.000 |
| | Advertising film | IDR 2.000.000 |
| | Cartoon | IDR 2.000.000 |
| Drama and choreography | Plays/ shows | IDR 2.000.000 |
| | Musical drama | IDR 2.000.000 |
| | Choreography | IDR 2.000.000 |
| | Ludruk | IDR 2.000.000 |
| | Opera | IDR 2.000.000 |
| | Pantomym | IDR 2.000.000 |
| | Puppet | IDR 2.000.000 |
| | dance (dance ballet) | IDR 2.000.000 |
| Other works | Computer program | IDR 3.000.000 |
| | Database | IDR 2.000.000 |
| | Game | IDR 2.000.000 |

The flow of the issuance of the registration letter of creation



Form A
Creation Details

| | |
|--|--|
| Type of creation | |
| Creation subtype | |
| Title | |
| Cities and provinces were first announced | |
| Date was first announced | |
| The order of the name creator according ID Card | |
| Created links for public access (study/faculty pages, academua edu, zenodo, research gate, google drive or other similar pages). | |
| Description of creation (content of creation, use of creation and final purpose of creation as much as 200 – 250 words). | |

Form 1B
Creation Details

| | |
|---|--|
| Type of creation | |
| Creation subtype | |
| Title | |
| Cities and provinces were first announced | |
| Date was first announced | |
| The order of the name creator according ID Card | |
| Created links for public access | |
| Creation description | |
| Creation background | |
| Novelty of creation compared to similar creations | |
| Use of creation for society | |
| Breakdown of costs to produce creations | |

Result

Often copyright is understood by lecturers as something that must be done by the Institute for Research and Community Service, Universitas 17 Agustus 1945 Surabaya, even though the essence of copyright is a declaration. The meaning of declaration is where the creator first announced it. Announcements can be via the web, can be through books or recordings. Meanwhile, the task of the Institute for Research and Community Service, Universitas 17 Agustus 1945 Surabaya, is only to record what has been declared by the creator. Looking at Form 1A and Form 1B, it is clear that the details of the work will be registered.

The ontology of registration is protecting what has been generated. His rights must be protected, both moral rights and economic rights of the creator, on his expertise which is an advantage and a gift from God and is used as a source of livelihood for himself. (Achmad & Roisah, 2020) For his expertise, the creator earns a living, the same as other humans who earn a living from his expertise. In addition to himself, other humans can also enjoy the results of his work so that the protection of the creator's work is very necessary as an appreciation of creation. Why is copyright associated with God? Answering this question requires an ideal understanding of the existence of God so that it has meaning as He who truly has the whole. (Michael, n.d.) God will be an interesting thing in realizing copyright because the source of thought comes from Him. Back to the context of the discussion that the registration carried out by the Institute for Research and Community Service at the Universitas 17 Agustus 1945 Surabaya is a work registration letter with various conditions, namely:

| Sub Type of Creation | Document | | |
|----------------------|---|--|---|
| Booklet | <ol style="list-style-type: none"> 1. Final report (if it comes from research or service output) 2. 1 copy of the work published on Untag Press 3. PDF Creation (maximum 20 MB) 4. Print and PDF Report 5. Certificate or permission from the publisher or original author (Translation) 6. Publication links on the Faculty/Study Program Pages and access creations | | |
| Book | | | |
| a. Reference | | | |
| b. Monograf | | | |
| c. Teach | | | |
| Manuals/intructions | | | |
| Textbooks | | | |
| Potpourri | | | |
| Dictatorship | | | |
| Dictionary | | | |
| Module | | | |
| Novel | | | |
| Interpretation | <ol style="list-style-type: none"> 1. Final report (if it comes from research or service output) 2. 1 copy of the manual and in PDF format published on Untag Press 3. Photo Creation (maximum 1 MB) 4. Publication links on the Faculty/Study Program Pages and access Creations | | |
| Translate | | | |
| Props | | | |
| Architecture | | <ol style="list-style-type: none"> 1. Final report (if it comes from research or service output) 2. Creation in PDF format (maximum 1 MB) 3. Creation in A4 . size prints 4. Publication links on the Faculty/Study Program Pages and access Creations | |
| Map | | | |
| Film | | | |
| Story films | | | |
| Documentary film | | | |
| Advertising films | | | |
| Cartoon | | | |
| Plays/ shows | | | <ol style="list-style-type: none"> 1. Final report (if it comes from research or service output) 2. Creation in MP4 format up to 18 MB 3. Manuscripts that describe the scene in detail in PDF format published on Untag Press 4. Publication links on the Faculty/Study Program Pages and access Creations |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| | |
|----------------------|--|
| Musical drama | service output) 2. Creation in MP4 format up to 18 MB 3. Manuscripts that describe the scene in detail in PDF format published on Untag Press 4. Publication links on the Faculty/Study Program Pages and access Creations |
| Koreografi | |
| Ludruk | |
| Opera | |
| Pantomim | |
| Puppet | |
| dance (Dance Sendra) | 1. Final report (if it comes from research or service output) 2. Metadata 3. Compile Database-specific Creations 4. Program 5. 1 copy of the manual and in PDF format published on Untag Press 6. Publication links on the Faculty/Study Program Pages and access creations |
| Computer Program | |
| Database | |
| Game | |

From above requirements, there are various continuations that must be carried out by lecturers at the Universitas 17 Agustus 1945 Surabaya and collaborations involving many parties such as Untag Press, cooperation partners and others. Then the provision of incentives is expected to be a major increase in producing works. The Statement Letter is in the form of:

Copyright Statement

The undersigned, copyright holders:

Name (according to ID Card) :
Nationality :
Address :
Hereby declare that :

1. The work that I request:

in the form of :
Title :

- Not imitating and not essentially the same as Copyrights belonging to other parties or other intellectual property objects as referred to in Article 68 paragraph (2);
- Not an Expression of Traditional Culture as referred to in Article 38;
- Not a work whose creator is not known as referred to in Article 39;
- Not a work that is not protected by Copyright as referred to in Articles 41 and 42;
- Not a work of painting in the form of a logo or distinguishing mark used as a mark in the trade in goods/services or used as a symbol of an organization, business entity, or legal entity as referred to in Article 65 and;

- Not a work that violates religious norms, moral norms, public order, state defense and security or violates the laws and regulations as referred to in Article 74 paragraph (1) letter d of Law Number 28 of 2014 concerning Copyright.
- 2. As the applicant, he/she has the obligation to keep the original sample of the work requested and must provide it if needed for the purpose of settling civil and criminal disputes in accordance with the provisions of the legislation.
- 3. The copyrighted work that I apply for in Number 1 above has never been and is not currently in a criminal or civil dispute in court.
- 4. In the event that the provisions as referred to in Numbers 1 and 3 above I / we violate, then we are willing to voluntarily:
 - a.the copyright application that I submit is considered withdrawn; or
 - b.Copyrights that have been registered in the General Register of Creations of the Directorate of Copyright, Directorate General of Intellectual Property Rights, Ministry of Law and Human Rights of the Republic of Indonesia shall be deleted in accordance with the provisions of the applicable laws.
 - c.In the event that the ownership of the Copyright which is applied for electronically is in litigation or is in a lawsuit in court, the ownership status of the electronic registration letter is suspended pending a court decision which has permanent legal force.

Thus,we make this statement in truth and to be used properly.

City,Date/Month/Year

(Full name)

* All Copyright Holders to sign on stamp duty IDR 10.000

Power of Attorney

The undersigned below:

Name according to ID Card) :
Work :
Nationality :
Address :
Email :
Phone/HP :



Give power to

Name : Dr. Tomy Michael, S.H., M.H.
Occupation : Lecturer at the Universitas 17 Agustus 1945 Surabaya
Nation : Indonesian citizenship
Address : Mungsing 7 Number 68 Street, Surabaya – East Java

To administer the Work Registration Letter (Filled with Type of Work and Sub-Type of Work in Part B)

City, Date/Month/Year

(Full name)

* All Authorizers must sign on a stamp duty of IDR 10.000

Copyright Transfer Letter

The undersigned below :

Name according to ID Card) :

Address :

Party I as the creator, hereby submitting my creation to:

N a m e : Universitas 17 Agustus 1945 Surabaya

Address : Jl. Semolowaru, 45, Surabaya 60118, East Java

Party II as the Copyright Holder in the form of
(To be filled in by Type of Works and Sub-Types of Works in Part B) to be registered at the Directorate of Copyright and Industrial Design, Directorate General of Intellectual Property, Ministry of Law and Human Rights of the Republic of Indonesia.

Thus, we have made this letter of transfer of rights, so that it can be used properly.

City, Date/Month/Year

an. Copyright Holder

Universitas 17 Agustus 1945 Surabaya

Head of Center for Publication & Intellectual Property Rights

Research institutions and community service

Universitas 17 Agustus 1945 Surabaya

Dr. Tomy Michael, S.H., M.H.

Creator

(Full name)

* All Creators to sign on stamp duty IDR 10.000

Conclusion

In the end, the improvement of the Tridharma of Higher Education is the main thing in copyright. Good management will produce copyrights that are truly in accordance with the expertise of the lecturer. Thus the form of accountability remains with the lecturer and there is a division of justice in the line of work so that the provision of incentives is performance-based.

References

- Achmad, A., & Roisah, K. (2020). Status Hukum Ghostwriter dan Pemegang Hak Cipta dalam Plagiarisme Menurut Undang-Undang Hak Cipta. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 9(2), 429. <https://doi.org/10.24843/jmhu.2020.v09.i02.p15>
- Furqania, M. A., & Michael, T. (2021). *LEGAL CONSTRUCTION AND IMPLICATIONS RELATED TO PROTECTION OF MAKING SEX TAPE WITH A COUPLE*. 14(2). <https://doi.org/10.30996/MK.V14I2.4843>
- Inayah, I. (2020). PERLINDUNGAN PRODUK BATIK DALAM HAK KEKAYAAN INTELEKTUAL. *Legal Standing: Jurnal Ilmu Hukum*, 4(2), 116. <https://doi.org/10.24269/lis.v4i2.3099>
- Karim, A. (2021). KEPASTIAN HUKUM LMKN SEBAGAI LEMBAGA TERPADU SATU PINTU PENGHIMPUN DAN PENDISTRIBUSI ROYALTI HAK CIPTA DAN HAK TERKAIT BIDANG MUSIK DAN LAGU. *Legalitas: Jurnal Hukum*, 13(1), 64. <https://doi.org/10.33087/legalitas.v13i1.232>
- Michael, T. (n.d.). MEMAKNAI SUMPAH DALAM PERATURAN PRESIDEN REPUBLIK INDONESIA NOMOR 61 TAHUN 2018 TENTANG SUMPAH JABATAN PANGLIMA TENTARA NASIONAL INDONESIA, KEPALA KEPOLISIAN NEGARA REPUBLIK INDONESIA, DAN KEPALA STAF ANGKATAN. *Jurnal Akrab Juara*, 4(1), 273–282.
- Michael, T., & Sudini, L. P. (2021). Omnibus Law Legal Certainty in the Perspective of Legislation. *Proceedings of the 2nd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2021)*, 509–512. <https://doi.org/10.2991/ASSEHR.K.211203.109>
- Murnawan, H., Wati, P. E. D. K., Saves, F., Michael, T., Kisworo, D. A., & Sari, A. P. (2022). Analysis of the success level of the Independent Campus Competition Program (PK-KM) on the quality of higher education in higher education in Universitas 17 Agustus 1945 Surabaya. *Technium Social Sciences Journal*, 27, 99–105. <https://doi.org/10.47577/TSSJ.V27I1.5587>
- Nugraha, F., Triyanto, W. A., Arifin, M., & Rahayu, Y. (2019). RANCANG BANGUN SISTEM INFORMASI PENILAIAN BEBAN KERJA DOSEN. *Jurnal SIMETRIS*, 10(1).
- Yunarsih, N. (2020). Manajemen Kemitraan dalam Peningkatan Mutu Lulusan Diploma Tiga Kebidanan. *Faletahan Health Journal*, 7(03). <https://doi.org/10.33746/fhj.v7i03.127>



Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).