

DAFTAR PUSTAKA

A. Instrumen Internasional

Agreement on Trade-Related Aspects of Intellectual Property Rights
(Persetujuan TRIPs)

Convention Establishing the World Intellectual Property Organization
(Konvensi WIPO)

Paris Convention for the Protection of Industrial Property (Konvensi Paris)

B. Peraturan Perundang-undangan

1. Hukum Nasional Indonesia

Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat (Lembaran Negara Republik Indonesia Tahun 1999 Nomor 33, Tambahan Lembaran Negara Republik Indonesia Nomor 3817).

Undang-Undang Nomor 14 Tahun 2001 tentang Paten (Lembaran Negara Republik Indonesia Tahun 2001 Nomor 109).

Undang-Undang Nomor 13 Tahun 2016 tentang Paten (Lembaran Negara Republik Indonesia Tahun 2016 Nomor 176).

Peraturan Menteri Hukum dan HAM Nomor 30 Tahun 2019 tentang Tata Cara Pemberian Lisensi Wajib Paten (Berita Negara Republik Indonesia Tahun 2019 Nomor 1570).

Peraturan KPPU No. 2 Tahun 2009 tentang Pedoman Pengecualian Penerapan Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktik Monopoli dan Persaingan Usaha Tidak Sehat terhadap Perjanjian yang Berkaitan dengan Hak Atas Kekayaan Intelektual.

2. Hukum Nasional Amerika Serikat

United States Patent Act (Titel 35 U.S.C.)

Sherman Antitrust Act 1890

Clayton Antitrust Act of 1914

Federal Trade Commission Act of 1914

American Invent Act 2011

Innovation Act 2013

Protecting American Talent and Entrepreneurship Act 2015

Antitrust Guidelines for the Licensing of Intellectual Property 2017

C. Kasus dan Putusan Pengadilan

Ebay Inc. v. Mercexchange, L. L. C., 547 U.S. 388, 126 S. Ct. 1837 (2006).

TC Heartland LLC v. Kraft Foods Grp. Brands LLC, 137 S. Ct. 1514, 197 L. Ed. 2d 816 (2017).

Octane Fitness, LLC v. Icon Health & Fitness, Inc., 572 U.S. 545, 134 S. Ct. 1749, 188 L. Ed. 2d 816, 24 Fla. L. Weekly Fed. S 726 (2014).

SAS Inst. Inc. v. Iancu, 138 S. Ct. 1348, 200 L. Ed. 2d 695 (2018).

D. Buku

A.R., Budi dan M., Shabhi, 2009, *Dinamika Hak Kekayaan Intelektual*, Pusat Hak Kekayaan Intelektual Fakultas Hukum UII, Yogyakarta.

Budi, Insan, 1997, *Sukses Bisnis Melalui Merek, Paten, dan Hak Cipta*, Citra Aditya Bakti, Bandung.

Gautama, Sudargo, 1989, *Segi-segi Hukum Hak Milik Intelektual*, Eresco, Jakarta.

Gugliuzza, Paul R., 2017, *Patent Trolls and Patent Litigation Reform*, Oxford Handbook, Oxford.

Hadjon, Philipus M., 1987, *Perlindungan Bagi Rakyat di Indonesia*, Bina Ilmu, Surabaya.

Kesowo, Bambang, 1998, *GATT, TRIPs, dan Hak Kekayaan Intelektual (HAKI)*, Mahkamah Agung, Jakarta.

Lindsey, T., Damian, E., Butt, S., Utomo, TS., 2013, *Hak Kekayaan Intelektual; Suatu Pengantar*, Alumni, Bandung.

Marzuki, P. Mahmud, 2008, *Penelitian Hukum*, Kencana Prenada Media Group, Jakarta.

McJohn, Stephen M., 2006, *Intellectual Property: Examples and Explanation Second Edition*, Aspen Publisher, New York.

Mertokusumo, Sudikno, 2008, *Mengenal Hukum (Suatu Pengantar)*, Liberty, Yogyakarta.

Muhammad, Abdulkadir, 2004, *Hukum dan Penelitian Hukum*, Citra Aditya Bakti, Bandung.

Purwaningsih, Endang, 2005, *Perkembangan Hukum Intellectual Property Rights*, Ghalia Indonesia, Bogor.

Regibeau, Pierre dan Rockett, Katharine 2004, *The Relationship Between Intellectual Property Law and Competition Law: An Economic Approach*, University of Essex and CEPR, Essex.

Soekanto, Soerjono, 1986, *Pengantar Penelitian Hukum*, UI Press, Jakarta.

Usman, Rachmad, 2003, *Hukum Hak Atas Kekayaan Intelektual*, PT Alumni, Bandung.

Utomo, Tomi S., 2010, *Hak Kekayaan Intelektual (HKI) di Era Global: Sebuah Kajian Kontemporer*, Graha Ilmu, Yogyakarta.

Vaver, David, 1997, *Intellectual Property Law*, Irwin Law, Ontario.

E. Artikel dan Jurnal

Anthony Valcke, “The Rule of Law: Its Origins and Meanings (A Short Guide for Practitioners)”, *Encyclopedia of Global Social Science Issues*, 2012.

Atmadja, Hendra T., “Konsep Hak Ekonomi dan Hak Moral Pencipta Menurut Sistem Hukum Civil Law dan Common Law”, *Jurnal Hukum Universitas Islam Indonesia*, No. 23, Vol. 10, 2003.

Chiang, Tun-Jen, “A Cost Benefit Approach to Patent Obviousness”, *St. John’s Law Review*, Vol. 82, No. 39, 2009.

Chien, Colleen, “Of Trolls, Davids, Goliaths, and Kings: Narratives and Evidence in the Litigation of High-Tech Patents”, *Santa Clara Univ. Legal Study Research Paper*, No. 09-13, 2009.

Chien, Colleen, “Startups and Patent Trolls”, *Santa Clara Univ. Legal Studies Research Paper*, No. 09-12, 2013.

Cohen, Lauren, “Patent Trolls: Evidence From Targetted Firms, Massachussetts”, *National Bureau of Economic Research Cambridge University*, 2014.

Drahos, P., “Biotechnology Patents, Markets and Morality”, *European Intellectual Property Review*, Vol. 21, 1999.

- Federal Trade Commission, “The Evolving IP Marketplace: Aligning Patent Notice and Remedies With Competition”, *Federal Trade Commission Report*, 2011.
- Fusco, Stefania, “Markets and Patent Enforcement”, *Michigan Telecommunications and Technology Law Review*, Vol. 20, No. 2, 2014.
- Herjanto, Eddy, “Pemahaman dan Penerapan Paten Di Balai Litbang Industri”, *Jurnal Riset Industri Pusat Penelitian Kementerian Perindustrian*, Vol. V, No. 1, 2011.
- Kao dan Chung, C. “A Comparative Study on Patent Infringement Type”, *Institute of Intellectual Property Jepang*, 2017.
- Lemley, M. dan Melamed, D., “Missing the Forest for the Trolls”, *Columbia Law Review*, Vol. 113, 2013.
- Mello, JP. “Technology Licensing and Patent Trolls”, *Boston University Journal of Science and Technology Law*, 2006.
- Ramadhan, Choky, “Konvergensi Civil Law dan Common Law di Indonesia dalam Penemuan dan Pembentukan Hukum”, *Jurnal Mimbar Hukum*, Vol. 30, No. 2018.
- Schrepel, Thibault, “Patent Troll Through the US and EU Antitrust Law”, *European Competition Law Review*, 2015.
- Setiono, “Rule of Law (Supremasi Hukum)”, *Magister Ilmu Hukum Program Pascasarjana Universitas Sebelas Maret*, 2004.
- Sichelman, Ted, “Commercializing Patents”, *Stanford Law Review*, Vol. 62, Rev. 341, 2010.
- Silverman, Arnold B., “Patent Misuse: Limitation on a Patentee’s Right”, *Journal of Minerals*, Vol. 48, 1992.
- WTO, “The Future of World Trade: How Digital Technologies are Transforming Global Commerce”, *World Trade Organization Report*, 2018.
- Yodo, Satarman, “Perlindungan Hak Paten”, *Jurnal Fiat Justisia Universitas Lampung*, Vol. 10 No. 4, 2016.

F. Internet

- Australian Law Reform Commission, “Economic Benefits of Patent System”, 2010, www.alrc.gov.au, diakses pada 6 Oktober 2019 dan 16 Oktober 2019.

- Bajpai, Prableen, “The Impact Patent Trolls Have On Innovation”, 2016, <https://www.nasdaq.com/articles/impact-patent-trolls-have-innovation-2016-02-11>, diakses pada 22 Oktober 2019.
- Bessen, James “The Evidence Is In: Patent Trolls Do Hurt Innovation”, <https://hbr.org/2014/07/the-evidence-is-in-patent-trolls-do-hurt-innovation>, diakses pada 23 Oktober 2019.
- Direktorat Jenderal Kekayaan Intelektual, “Sejarah Perkembangan Kekayaan Intelektual”, <https://dgip.go.id/sejarah-perkembangan-perlindungan-kekayaan-intelektual-ki>, diakses pada 7 Oktober 2019.
- Duhigg, Charles dan Lohr, Steven, “The Patent, Used as A Sword”, 2012, <https://www.nytimes.com/2012/10/08/technology/patent-wars-among-tech-giants-can-stifle-competition.html>, diakses pada 13 Oktober 2019.
- John Paczkowski, “Patent Trolls Love Apple”, 2013, <http://allthingsd.com/20130829/patent-trolls-love-apple/>, diakses pada 23 Oktober 2019.
- Kasdan, Michael “Patent Infringement Claims and Defenses”, https://www.arelaw.com/downloads/ARElaw_PracticeNote101511.pdf, diakses pada 20 Oktober 2019.
- Kinsella, Stephan “Taiwan’s Defensive Patent Bank”, 2011, www.csmonitor.com, diakses pada 9 Oktober 2019.
- Pohlmann, Tim, “The Patent Troll Business: An Efficient Model to Enforce IPR?”, https://www.researchgate.net/publication/48375900_The_Patent_Troll_Business_An_Efficient_model_to_enforce_IPR/citation/download, diakses pada 24 Oktober 2019.
- Quinn, Gene, “Patent Misuse: Exploring The Basic”, 2011, www.ipwatchdog.com, diakses pada 7 Oktober 2019.
- Samsudin, Dadan, “Hak Kekayaan Intelektual dan Manfaatnya Bagi Lembaga Litbang, Direktorat Jenderal Kekayaan Intelektual KEMENKUMHAM RI”, <http://sumberdaya.ristekdikti.go.id/wp-content/uploads/2016/11/Makalah-HKI-dadan.pdf>, diakses pada 16 Oktober 2019.
- Samuels, Juli, “Six Good Things About The Innovation Act”, 2015, eff.org, diakses pada 12 Maret 2020.
- Segal, David “How a Typical Patent Battle Took an Unexpected Turn”, 2013, New York Times, <http://www.nytimes.com/2013/07/14/business/how-a->

typi-cal-patent-battle-took-an-unexpected-turn.html?pagewanted=all&_r=0, diakses pada 22 Oktober 2019.

Shapiro, R. dan Hassett, K., “The Economic Value of Intellectual Property”, 2005, <https://www.sonecon.com/docs/studies/IntellectualPropertyReport-October2005.pdf>, hlm. 4., diakses pada 16 Oktober 2019.

Stankovic, Mirjana “Local Working Requirements And International Patent Law: In Favor Of Developing Countries?”, https://www.academia.edu/216483/Local_working_requirements_and_international_patent_law_In_favor_of_developing_countries, diakses pada 20 Maret 2020.

Stoll, Robert L., “Patent Trolls: Friend or Foe”, 2014, Artikel WIPO https://www.wipo.int/wipo_magazine/en/2014/02/article_0007.html., diakses pada 7 Oktober 2019.

The White House Secretary, “White House Press Release Re Signature of AIA”, <https://obamawhitehouse.archives.gov/the-press-office/2011/09/16/president-obama-signs-america-invents-act-overhauling-patent-system-stim>, diakses pada 2 Februari 2020.

USPTO, “General Information Concerning Patents”, <https://www.uspto.gov/patents-getting-started/general-information-concerning-patents>, diakses pada 20 Oktober 2019.

USPTO, “America Invents Act: Effective Date”, 2011, https://www.uspto.gov/sites/default/files/aia_implementation/aia-effective-dates.pdf, diakses pada 22 Oktober 2019.

USPTO, “Intellectual Property and the U.S. Economy”, 2016, www.uspto.gov, diakses pada 16 Oktober 2019.

WIPO, “Economic Development and Patents”, <https://www.wipo.int/patent-law/en/developments/economic.html>, diakses pada 16 Oktober 2019.

WIPO, “The Concept of Intellectual Property”, <https://www.wipo.int/export/sites/www/about-ip/en/iprm/pdf/ch1.pdf>, diakses pada 17 November 2019.

WIPO, “Understanding Copyright and Related Rights”, terbitan WIPO No. 909(E), https://www.wipo.int/edocs/pubdocs/en/wipo_pub_909_2016.pdf, diakses pada 14 Oktober 2019

WIPO, “What is Intellectual Property”, Terbitan WIPO Nomor 450(E), https://www.wipo.int/edocs/pubdocs/en/intproperty/450/wipo_pub_450.pdf, hlm. 3, diakses pada 2 Oktober 2019 dan 16 Oktober 2019.

WIPO, “World Intellectual Property Indicators”, Terbitan WIPO Nomor 941E/18 2018, hlm. 24, https://www.wipo.int/edocs/pubdocs/en/wipo_pub_941_2018.pdf, diakses pada 7 Oktober 2019.

Zubaidah, “Jumlah Paten Indonesia Tertinggi di Asia Tenggara”, 2019, <https://nasional.sindonews.com/read/1415029/15/jumlah-paten-indonesia-tertinggi-di-asia-tenggara-1561552226>, diakses pada 10 Oktober 2019.