

BIBLIOGRAPHY

Statutory Regulations

1976 Copyright Act of United States

Law No. 28 of 2014 concerning Copyright

Law No. 13 of 2016 concerning Patents

Law No. 7 of 1987 concerning Amendments to Law No. 6 of 1982 concerning Copyright

Law No. 14 of 2001 concerning Patents

Conventions, Treaties and International Agreements

1978 WIPO Model Provisions on the Protection of Computer Software

Berne Convention for the Protection of Literary and Artistic Works

Agreement on Trade-Related Aspects of Intellectual Property Rights.

Judicial Decision

Perkara Mahkamah Agung No. 3 /Pdt.G/ 2001/PN.Jkt.Pst between Microsoft v. PT Panca
Putra Indo

Diamond v. Diehr, 450 U.S. 175 (1981)

Lotus Dev. Corp. v. Borland Int'l, Inc., 516 U.S. 233 (1996)

Alice Corp. v. Cls Bank, 134 S. Ct. 2347

Books

Bagley, Constance. 2015. Business Law (Second Edition). International Encyclopedia of the
Social and Behavioral Sciences. New Haven.

Banakar, Reza and Travers, Max. 2005. Theory and Method in Socio-legal Research. Hart
Publishing.

Bessen, James. 2002. What Good is Free Software?. AEI-Brookings Joint Center for
Regulatory Studies. Washington.

- Cane, Peter and Kritzer, Herbert. 2012. The Oxford Handbook of Empirical Legal Research. Oxford Handbooks Online. Oxford.
- Damian, Eddy. 2017. Hukum Hak Cipta UUHC No. 19 Tahun 2002 (Ed. 2, Cet. 2.). Penerbitan Alumni. Bandung.
- Drahos, Peter. 2016. A Philosophy of Intellectual Property. ANU Press Textbooks. Canberra.
- Dutfield, Graham. 2008. Global Intellectual Property Law. Edward Elgar Publishing. Cheltenham.
- Eilam, Eldad. 2011. Reversing: Secrets of Reverse Engineering. John Wiley & Sons. New Jersey.
- Fisher, William. 2001. Theories of Intellectual Property: New Essays in the Legal and Political Theory of Property. Cambridge University Press.
- Galler, Bernard. 1995. Software and Intellectual Property Protection: Copyright and Patent Issues for Computer and Legal Professionals. Greenwood Publishing Group. Westport.
- Gielen, Charles. 1988. New Copyright Law of Indonesia: Implications for Foreign Investment. Sweet & Maxwell.
- Hahn, Robert. 2002. Government Policy Toward Open Source Software. AEI-Brookings Joint Center for Regulatory Studies. Washington.
- Hegel, Georg Wilhem. 1952. Philosophy Of Right. T.M. Clarendon Press.
- Hoecke, Mark Van. 2014. Methodologies of Legal Research. Hart Publishing. Oxford.
- Kaner, Cem, Falk, Jack and Nguyen, Hung. 1999. Testing Computer Software. John Wiley & Sons.
- Landes, William and Posner, Richard. 2004. The Economic Structure of Intellectual Property Law. Harvard University Press.
- Merges, Robert. 2012. Justifying Intellectual Property. The IP Law Book Review. Harvard University Press. Vol. 2 No. 2.
- Mertokusumo, Sudikno. 1986. Mengenal Hukum. Liberty. Yogyakarta.
- National Research Council. 2003. Intellectual Property Protection in the U.S. Software Industry. The National Academies Press. Washington.
- Ramli, Ahmad. 2013. Buku Panduan Hak Kekayaan Intelektual. Direktorat Jenderal Hak Kekayaan Intelektual. Kementerian Hukum dan Hak Asasi Manusia R.I. Jakarta.
- Shamoo, Adil and Resnik, David. 2009. Responsible Conduct of Research. Oxford Scholarship Online.



UNIVERSITAS
GADJAH MADA

HUKUM KEKAYAAN INTELEKTUAL SEBAGAI SARANA MELINDUNGI PROGRAM KOMPUTER DI INDONESIA (STUDI KASUS MA NO. 38/PDT.G/2001/PN.JKT.PST)

ALDEENEA CRISTABEL, Dina W. Kariodimedjo, S.H., LL.M., Ph.D.

Universitas Gadjah Mada, 2021 | Diunduh dari <http://etd.repository.ugm.ac.id/>

Shapiro, Carl. 2005. Navigating the Patent Thicket: Cross Licenses, Patent Pools, and Standard-Setting. Innovation Policy and the Economy, Volume 1. MIT Press.

Stage, Karen. 2003. Research in the College Context: Approaches and Methods. Routledge. New York.

Stobbs, Gregory. 2012. Software Patents Law, Third Edition. Aspen Publishers Online.

Wong, Reginald. 2018. Mastering Reverse Engineering: Re-engineer your Ethical Hacking Skills. Pact Publishing. Brimingham.

Butt, Simon. 2008. Intellectual Property in Indonesia: A Problematic Legal Transplant. Federation Press. Sydney.

Journal Articles

Antons, Christoph. "The Development of Intellectual Property Law in Indonesia: From Colonial to National Law: A Survey." International Review of Industrial Property and Copyright Law, Vol. 22, 1991.

Beard, Edward and Johnson, Larry. "Legal Research." JONA's Healthcare Law, Ethics, and Regulation, Vol. 3 Issue 4, 2001.

Berring, Robert. "Legal Research and Legal Concepts: Where Form Molds Substance." California Law Review, Vol. 75(1), 1987.

Besen, Stanley. and Raskind, Leo. "An Introduction to the Law and Economics of Intellectual Property." Journal of Economic Perspectives, Winter Vol. 5 No. 1, 1991.

Bessen, James and Hunt, Robert. "An Empirical Look at Computer Programme Patents." Journal of Economics and Management Strategy, Vol. 16 Issue 1, 2007.

Butt, Simon. "TRIPs, Intellectual Property Law Reform in Indonesia: Why Injunctions Aren't Stopping Piracy." Harvard Asia Pacific Review, Vol. 8 No. 2, 2005.

Carroll, Michael. "Sharing Research Data and Intellectual Property Law: A Primer." PLOS Biology, Vol. 13(8), 2015.

Chabchoub, Norhène and Niosi, Jorge. "Explaining the Propensity to Patent Computer Programme." Technovation, Vol. 25, 2005.

Cockburn, Iain and MacGarvie, Megan. "Entry and Patenting in the Computer Programme Industry." Management Science, Vol. 57 No. 5, 2011.

Cohen, Julie and Lemley, Matt. "Patent Scope and Innovation in the Computer Programme Industry." South California Law Review, Vol. 89, 1, 2001.



- Cohen, Julie. “Reverse Engineering and the Rise of Electronic Vigilantism: Intellectual Property Implications of Lock-out Programs.” *South California Law Review*, Vol. 68, 1994.
- Cohen, Julie. and Lemley, Mark. “Patent Scope and Innovation in the Computer Programme Industry.” *California Law Review*, Vol. 89, 2001.
- Dam, Kenneth Dam. “The Growing Importance of International Protection of Intellectual Property.” *International Lawyer (ABA)*, Vol. 21, 627, 1987.
- Dewi, Ike Janita. “A Study on The Economic Contribution of Copyright and Related Right Industries in Indonesia.” *Procedia-Social and Behavioral Sciences*, Vol. 115, 2014.
- Duggan, James. “Legal Protection for Computer Programs, 1980-1992: A Bibliography of Law-Related Materials.” *Hastings Communication and Entertainment Journal*, Vol. 15 No. 1, 1992.
- Febriharini, Mahmuda. “Eksistensi Hak atas Kekayaan Intelektual terhadap Hukum Siber.” *Jurnal Ilmiah Serat Acityah*, Vol. 5 No. 1, 2016.
- Frank, Lawrence. “Social Planning and Individual Ideals.” *The International Journal of Ethics*, Vol. 45(1), 1934.
- Gerhart, Peter. “Why Law Making for Global Intellectual Property is Unbalanced?.” *European Intellectual Property Review*, Vol. 22(7), 2000.
- Glynn, Shane. “Rationalizing Software Patents: Suggestions for a Liveable System.” *Hastings Communication and Entertainment Law Journal*, Vol. 28 No. 2, 2006.
- González, Andrés. “The Software Patent Debate.” *Journal of Intellectual Property Law and Practice*, Vol. 1(3), 2006.
- Goodman, Jeffrey. “Policy Implications of Granting Patent Protection to Computer Software: An Economic Analysis.” *The Vanderbilt Law Review*, Vol. 37, 1984.
- Graham, Stuart, Merges, Robert, Samuelson, Pam, and Sichelman, Ted. “High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey.” *Berkeley Technology Law Journal*, Vol. 24 Issue 4, 2011.
- Hall, Browyn and MacGarvie, Megan. “The Private Value of Computer Software Patents.” *Research Policy Elsevier*, Vo. 49 Issue 1, 2010.
- Hughes, Justin. “The Philosophy of Intellectual Property.” *Georgetown Law Journal*, Vol. 77, 1988.
- Jain, Sonia. “Protection in Software: Copyright or Patent.” *International Education and Research Journal*, Vol. 3 Issue 4, 2017.
- Kannan, N. “Importance of Intellectual Property Rights” *International Journal of Intellectual Property Rights*, Vol. 1(1), 2010.



UNIVERSITAS
GADJAH MADA

HUKUM KEKAYAAN INTELEKTUAL SEBAGAI SARANA MELINDUNGI PROGRAM KOMPUTER DI INDONESIA (STUDI KASUS MA NO. 38/PDT.G/2001/PN.JKT.PST)

ALDEENA CRISTABEL, Dina W. Kariodimedjo, S.H., LL.M., Ph.D.

Universitas Gadjah Mada, 2021 | Diunduh dari <http://etd.repository.ugm.ac.id/>

Karjala, Dennis. "Copyright Protection of Computer Program Structure" Brooklyn Law Review, Vol. 64 Issue 2, 1993.

Keplinger, Michael. "Computer Software - Its Nature and its Protection." Emory Law Journal, Vol. 30, 1981.

Koo, Daehwan, "Patent and Copyright Protection of Computer Programs." Intellectual Property Quarterly, No. 2., 2002.

Kreiss, Robert. "Accessibility and Commercialization in Copyright Theory." UCLA Law Review, Vol. 43(1), 1995.

Langbroek, Phillip, Van den Bos, Kees, Thomas, Marc Simon, Milo, Michael and Rossum, Wibo Van. "Methodology of Legal Research: Challenges and Opportunities." Utrecht Law Review, Vol. 13(3), 2017.

Lemley, Mark and O'Brien, David. "Encouraging Software Reuse." Stanford Law Review, Vol. 49 No. 2, 1997.

Lemley, Mark. "Property, Intellectual Property, and Free Riding." Texas Law Review, Vol. 83, 2005.

Lemley, Mark. and O'Brien, David. "Encouraging Software Reuse." Stanford Law Review, Vol. 49 No. 2, 1997.

Lunney, Glynn. "Lotus v. Borland: Copyright and Computer Programs." Tulane Law Review, Vol. 70, 1995.

Makkawaru, Zulfiki. "Performing Right in Cache Copyright Law of Indonesia." Journal of Humanity, Vol. 3, No. 1, 2015.

Marron, Donald. and Steel, David. "Which Countries Protect Intellectual Property? The Case of Software Piracy." Economic Inquiry, Vol. 38(2), 2000.

McQueen, Douglas and Olsson, Henrik. "Growth of Embedded Computer Programme related Patents." Technovation, Vol. 23, Issue 6, 2003.

Menell, Peter. "An Analysis of the Scope of Copyright Protection for Application Programs." Stanford Law Review. Vol. 41, No. 5, 1989.

Menell, Peter. "Tailoring Legal Protection for Computer Software." Stanford Law Review. Vol. 39, 1987.

Menell, Peter. "The Challenges of Reforming Intellectual Property Protection for Computer Software." Columbia Law Review, Vol. 94 No. 8, 1994.

Menell, Peter. "The Challenges of Reforming Intellectual Property Protection for Computer Software." Columbia Law Review, Vol. 94(8), 1994.

Moy, Russell. "A Case Against Computer Programme Patents." Santa Clara Computer & High Technology Law Journal, Vol. 17 Issue 1, 2007.



Naser, Mohammad. "Rethinking the Foundations of Trademarks." Buffalo Intellectual Property Law Journal, No. 5, 2007.

Naser, Mohammad. "Rethinking the Foundations of Trademarks." Buffalo Intellectual Property Law Journal, Vol. 5 No. 1, 2007.

Noel, Michael and Schankerman, Mark. "Strategic Patenting and Computer Programme Innovation." Journal of Industrial Economics, Vol. 61, Issue 3, 2013.

Oddi, Samuel. "An Uneasy Case for Copyright Than for Patent Protection of Computer Programs." Nebraska Law Review, Vol. 72 Issue 2, 1993.

Paserangi, Hasbir. "Perlindungan Hukum Hak Cipta Software." Journal of Law Ius Quia Iustum, Vol. 18, 2011.

Posner, Richard. "Intellectual Property: The Law and Economics Approach." Journal of Economic Perspectives, Vol. 19 No. 2, 2005.

Rice, David. "Sega and Beyond: A Beacon for Fair Use Analysis ... At Least as Far as It Goes." University of Dayton Law Review, Vol. 19, 1994.

Rimas, Vytas. "Trade Secret Protection of Computer Software". John Marshall Journal of Information Technology and Privacy Law, Vol. 5 Issue 1, 1984.

Roisah, Kholis. "Kebijakan Hukum 'Transferability' terhadap Perlindungan Hak Kekayaan Intelektual di Indonesia." Law Reform. Vol. 11(2), 2015.

Shane, Glynn. "Rationalizing Computer programme Patents: Suggestions for a Liveable System." Hastings Communication and Entertainment Law Journal, Vol. 28 No. 2, (2006).

Smith, Bradford and Mann, Susan. "Innovation and Intellectual Property Protection in the Software Industry: An Emerging Role for Patents?." The University of Chicago Law Review, Vol. 71 Issue 1, 2004.

Solovy, Eric. and Krishnamurthy, Pavan. "TRIPs Agreement Flexibilities and Their Limitations: A Response to the UN Secretary-Generals's High Level Panel Report on Access to Medicines." George Washington International Law Review, Vol. 50, No. 1, 2017.

Spinello, Richard. "Intellectual Property Right." Library Hi Tech, Vol. 25 No. 1, 2007.

Stokes, Simon. "The Development of UK Software Copyright Law: From John Richardson Computers to Navitaire." Computer & Telecommunication Law Review, Vol. 11, Issue 4, 2005.

Swinson, John. "Copyright or Patent or Both: An Algorithmic Approach to Computer Programme Protection." Harvard Journal of Law and Technology, Vol. 5 Fall Issue, 1991.

Swinyard, William, Rinne, Luke and Kau, Keng. "The Morality of Software Piracy: A Cross-Cultural Analysis." Journal of Business Ethics, Vol. 9(8), 1990.



UNIVERSITAS
GADJAH MADA

HUKUM KEKAYAAN INTELEKTUAL SEBAGAI SARANA MELINDUNGI PROGRAM KOMPUTER DI INDONESIA (STUDI KASUS MA NO. 38/PDT.G/2001/PN.JKT.PST)

ALDEENEA CRISTABEL, Dina W. Kariodimedjo, S.H., LL.M., Ph.D.

Universitas Gadjah Mada, 2021 | Diunduh dari <http://etd.repository.ugm.ac.id/>

Leter, Timothy. "Merger and the Machines: An Analysis of the Pro-Compatibility Trend in Computer Software Copyright Cases." *Stanford Law Review*, Vol. 41, 1992.

Thomas, Robert. "Debugging Software Patents: Increasing Innovation and Reducing Uncertainty in the Judicial Reform of Software Patent Law." *Santa Clara High Technology Law Journal*, Vol. 25 Issue 1, 2008.

Tomossy, George. "Defining Research." *Monash Bioethics Review*, Vol. 27, Issue 4, 2008.

Weichselbaum, Mindy. "The EEC Directive on the Legal Protection of Computer Programs and US Copyright Law: Should Copyright Law Permit Reverse Engineering of Computer Programs". *Fordham International Law Journal*, Vol. 14, 1990.

Widijowati, Dijan. "Flexibility Protection of Copyright in Indonesia." *The Southeast Asia Law Journal*, Vol. 1(2), 2017.

Widuri, Rindang, O'Connell, Brendan, and Yapa, Prem. "Adopting generalized audit software: an Indonesian perspective." *Managerial Auditing Journal*, Vol. 31 No. 8/9, 2016.

Winanti, Poppy and Young, Alasdair. "Complying with Unwelcome Rules: Developing Countries and the TRIPs Agreement." *The Indian Journal of International Economic Law*, Vol. 2, 2009.

Zemer, Lior. "On the Value of Copyright Theory." *SSRN Electronic Journal*, 2006.

Online References

Association of Research Libraries. "Copyright Timeline: A History of Copyright in the United States - Association of Research Libraries." <https://www.arl.org/copyright-timeline/https://www.arl.org/copyright-timeline/>, Accessed on 7 December 2020.

BitLaw. "Why Protect Software Through Patents?." <https://www.bitlaw.com/software-patent/why-patent.html>, Accessed 21 June 2021.

DGIP. "Data Paten." <http://patenindonesia.dgip.go.id/psearch>, Accessed 7 January 2021.

Fajra, Arifia, Yong, Lisa, Chow, Kin Wah. "Digital Transformation and is it Time to Consider Filing Software Related Patents In Indonesia?." <https://www.lexology.com/library/detail.aspx?g=c47772b3-49dd-4cb0-a060-e066e0a9188e>, Accessed 20 June 2021.

Henry, Michael. "The US Patent Office's Test for Software and Computer Inventions". <https://henry.law/blog/the-us-patent-offices-test-for-software-and-computer-inventions/>, Accessed on 20 June 2021.

Hukumonline. "Lagi, Microsoft Menangkan Gugatan Senilai AS\$4,76 Juta". <https://www.hukumonline.com/berita/baca/hol3842/lagi-microsoft-menangkan-gugatan-senilai-as476-juta/>, Accessed 20 June 2021.



Redfearn, Nick. "Indonesian Patent Law Working Requirements Repealed Lexology."

<https://www.lexology.com/library/detail.aspx?g=2bc40a68-9c42-4511-a7e0-90411ba5b65e>, Accessed 24 February 2021.

The Software Alliance. "Asia Pacific with World's Highest Rate of Unlicensed Software Use Leaves Many Vulnerable to Cyberattacks, New BSA Survey Finds."

<https://www.bsa.org/news-events/news/asia-pacific-with-worlds-highest-rate-of-unlicensed-software-use-leaves-many-vulnerable-to-cyberattacks-new-bsa-survey-finds>, Accessed on 7 December 2020.

World Intellectual Property Organization. "WIPO Intellectual Property Handbook: Policy, Law and Use." http://www.wipo.int/edocs/pubdocs/en/intproperty/489/wipo_pub_489.pdf,

Accessed on 7 December 2020.

Essays in a Book

Antons, Cristoph. "Copyright Law in Indonesia: From a Hybrid to an Endogenous System?" in Gilchrist, John and Fitzgerald, Brian. 2018. Copyright, Property and the Social Contract. Springer Nature.

Rognstad, Ole-Andreas. "Intellectual Property Law" in Baudenbacher, Carl. 2015. The Handbook of EEA Law. Springer.

Thesis and Dissertation

Davies, G. and Schricker, G. 1994. Copyright and the Public Interest. Thesis, University of Aberystwyth.

Eka, P.J. 2004. Penyelesaian Sengketa Pembajakan Piranti Lunak Komputer di Indonesia: Studi Kasus Microsoft Corporation dengan PT. Panca Putra Komputindo, HJ Komputer, HM Komputer dan Altec Komputer. Thesis, Universitas Gadjah Mada.

Kusumadara, A. 2000. Analysis of the Failure of the Implementation of Intellectual Property Laws in Indonesia. Dissertation. Doctor of Juridical Studies, University of Sydney.

Sujadmiko, B. 2016. Copyright Infringement on Music, Movie and Software in the Internet (Illegal File Sharing and Fair Use Practices in Indonesia, Japan and United States of America). Doctoral dissertation, Kanazawa University.

Widuri, R. 2014. Adoption and use of Generalized Audit Software by Indonesian Audit Firms. Dissertation. Doctoral Dissertation, RMIT University.

Reports and Miscellaneous Sources

Antons, Christoph. 1997. Indonesian Intellectual Property Law in Context. Asian Laws Through Australian Eyes, North Ryde, Sydney: LBC Information Services.

European Patent Office. 2019. Case Law of the Boards of Appeal of the EPO (9th Ed.). Legal Research Service for the Boards of Appeal, European Patent Office.

Gallagher, W. T. 2017. The IP Law Book Review. Intellectual Property Magazine, Vol. 9.

Maurer, Stephen. 2006. Source Software: The New Intellectual Property Paradigm. NBER Working Paper Series. Working Paper 12148. National Bureau of Economic Research, Inc.

World Intellectual Property Organization. 2020. Report of the Director General to the 2019 WIPO Assemblies.