

The Implementation of Intellectual Property Registration for Startups in the Industrial Revolution Era 4.0 in Pontianak

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Abstract

The development of thinking supported by the ease of obtaining information in real time with assistance of a smartphone has changed a person's pattern of life and the way to socialize. With the current technology, face-to-face socialization has been shifted into video calls. Not only socializing patterns, trading patterns have also been affected. Today trading process is not only held conventionally (buyers come to the store), but also by using the available applications. Through the applications, we can buy goods without having to leave the house. The presence of this change cannot be separated from the role of technology-based startups which create an application offering a variety of convenience services. The growth of the nation's startups has now penetrated the world market. Some Indonesian's startups have a valuation of US \$ 1 billion and are included in the Unicorn class such as Tokopedia, Buka Lapak, and Traveloka. Now Go-Jek has also entered in the Decacorn class. To protect their business, businessmen need to register their brand for intellectual property. Considering the importance of intellectual property in the industrial revolution 4.0, the researchers carried out this research to protect digital startups in Pontianak especially in terms of intellectual property registration.

Keywords: Startups; Business Startups; Intellectual Property; Industrial Revolution 4.0.

Abstrak

Perkembangan pemikiran yang didukung dengan kemudahan memperoleh informasi secara real time dengan bantuan smartphone telah mengubah pola hidup dan cara bersosialisasi seseorang. Dengan teknologi saat ini, sosialisasi tatap muka telah bergeser menjadi video call. Tidak hanya sosialisasi pola, pola trading pun ikut terpengaruh. Proses jual beli saat ini tidak hanya dilakukan secara konvensional (pembeli datang ke toko), tetapi juga dengan menggunakan aplikasi yang tersedia. Melalui aplikasi, kita bisa membeli barang tanpa harus keluar rumah. Kehadiran perubahan ini tidak lepas dari peran startup berbasis teknologi yang membuat aplikasi yang menawarkan berbagai kemudahan layanan. Pertumbuhan startup anak bangsa kini telah merambah pasar dunia. Beberapa start up Indonesia memiliki valuasi US\$ 1 miliar dan masuk dalam kelas Unicorn seperti Tokopedia, Buka Lapak, dan Traveloka. Kini Go-Jek juga sudah masuk di kelas Decacorn. Untuk melindungi bisnis mereka, pengusaha perlu mendaftarkan merek mereka untuk kekayaan intelektual. Mengingat pentingnya kekayaan intelektual dalam revolusi industri 4.0, peneliti melakukan penelitian ini untuk melindungi startup digital di Pontianak khususnya dalam hal pendaftaran kekayaan intelektual.

Keywords: Startup; Startup Bisnis; Kekayaan Intelektual; Revolusi Industri 4.0.



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A. INTRODUCTION

Advances in information technology, which continues to develop in several sectors as it is today, are bringing us all towards the industrial era 4.0.¹ In the past, people could only communicate by sending long letters. However, with the existence of information technology as it is today, the process of sending letters can be done using telephone technology,² so that the sending process can be done much faster.³

Business startups or commonly called startups are brand-new businesses. Startups are human institutions which are managed to create products or services in the middle of extreme uncertainty.^{4,5} Startups which are developed by Indonesian people have proven to be able to compete with foreign startups including Buka Lapak, Tokopedia, Traveloka, Ovo, and Gojek. In November 2019, Gojek, Tokopedia, Ovo, Bukalapak dan Traveloka were categorized in the Unicorn class in Indonesia. In December 2019, Gojek had a valuation of more than US\$ 10 billion which made it the first Indonesian startup entered in Decacorn class.^{6,7}

The growth of startups can be recognized by an increase of the participants in startups development competition both in local or national levels. In Pontianak, there have been many startups which are growing in less than 10 years. Some famous startups in Pontianak are Bujung Kurir, Angkuts, Abang Desa, Indofarm, and Pontinesia (Kumparan, 16 Agustus 2019). The exact number of startups in Pontianak is unknown because there is no special data for it. The information is usually known if it is involved in a community and startups environment.

Initially, startups in Pontianak are started because the founders perceive current situations or problems that need to be improved. However, some startups are established through digital startups program or others. In the industrial revolution 4.0 which is marked by digital revolution

¹ Wendy Zulkarnain and Sheila Andini, "Inkubator Bisnis Modern Berbasis I-Learning Untuk Menciptakan Kreativitas Startup Di Indonesia," *ADI Pengabdian Kepada Masyarakat* 1, no. 1 (January 2021): 77–86, <https://doi.org/10.34306/adimas.v1i1.252>.

² Sukarmi et al., "Assessing the Merger of Online Platform Companies: Does It Lead to Monopoly or Just Business Expansion? (Analysis of The Merged Company of GoTo)," *Jurnal Cita Hukum* 9, no. 3 (2021), <https://doi.org/http://dx.doi.org/10.15408/jch.v9i3.21667>.

³ Alfirahmi Alfirahmi, "FENOMENA KOPI KEKINIAN DI ERA 4.0 Ditinjau Dari Marketing 4.0 Dan Teori Uses and Effect," *LUGAS Jurnal Komunikasi* 3, no. 1 (July 2019): 24–32, <https://doi.org/10.31334/ljk.v3i1.410>.

⁴ Yoga Maulana Yusuf et al., "IMPLEMENTASI PROGRAM CORPORATE SOCIAL RESPONSIBILITY OLEH PERUSAHAAN UNICORN DI INDONESIA," *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat* 6, no. 3 (February 2020): 252, <https://doi.org/10.24198/jppm.v6i3.26214>.

⁵ Bimo Aji Wicaksono and Nia Saurina, "SISTEM INFORMASI PENJUALAN BAGI START – UP SORGUM," *Melek IT Information Technology Journal* 7, no. 1 (January 2022): 113–22, <https://doi.org/10.30742/melekitjournal.v7i1.190>.

⁶ Firda Nosita, "E-SERVQUAL, PROMOSI DAN LOYALITAS PELANGGAN MARKETPLACE," *JOURNAL OF APPLIED BUSINESS ADMINISTRATION* 4, no. 1 (April 2020): 38–44, <https://doi.org/10.30871/jaba.v4i1.1937>.

⁷ Leon Andretti Abdillah, "Analisis Aplikasi Mobile Transportasi Online Menggunakan User Experience Questionnaire Pada Era Milenial Dan Z," *JURNAL SISTEM INFORMASI BISNIS* 9, no. 2 (November 2019): 204, <https://doi.org/10.21456/vol9iss2pp204-211>.

⁸, startups are one form of businesses which provide job vacancies and can contribute to the development of economy. The Director General of Small, Medium and Multifarious Industries of the Ministry of Industry, Gati Wibawaningsih said that industrial revolution 4.0 required the participation of startups as implementers and problem solvers to realize Indonesia 4.0.

Considering the importance of startups in Indonesia's economic activities, it is important to provide startups with legal information especially legal protection. This information is essential to anticipate legal events which can threaten startups in Pontianak. One of the alternatives to protect products produced by startups is to register intellectual property rights. The intellectual property rights which can be registered include trademarks, copyrights, and industrial designs.^{9,10} Several existing startups in Pontianak have received registration service facilities for intellectual property rights in the form of brands. However, several new startups which grew up in the university environment have not received information about the importance of product protection by registering their intellectual property rights.

Intellectual property rights include material rights, rights to an object that comes from the work of the brain, the result of ratio work, work of a reasoning ratio, and the result of that work in the form of immaterial objects. According to research,^{11,12} Intellectual Property Rights are property rights that arise and are born from human intellectual abilities. Intellectual property rights also mean rights arising from human intellectual creations that have economic value for creators, designers, inventors or owners.¹³ From the various definitions as mentioned above, some of the characteristics of intellectual property rights are an exclusive right granted by the state; an individual right (private right); territorial and has a time limit of protection.

B. METHOD

The current research about the implementation of intellectual property rights registration for startups applied empirical juridical approach.¹⁴ This approach focuses on observing the implementation of written regulations in the field. Empirical juridical research or field research

⁸ Sholahuddin Al-Fatih et al., "ASEAN Civil Society In The Digital Era; Are We Moving Backwards?" 317, no. IConProCS (2019): 266–69, <https://doi.org/10.2991/iconprocs-19.2019.55>.

⁹ Darwance Darwance, Yokotani Yokotani, and Wenni Anggita, "Politik Hukum Kewenangan Pemerintah Daerah Dalam Pengaturan Hak Kekayaan Intelektual," *Journal of Political Issues* 2, no. 2 (January 2021): 124–34, <https://doi.org/10.33019/jpi.v2i2.40>.

¹⁰ Hari Sutra Disemadi and Cindy Kang, "Tantangan Penegakan Hukum Hak Kekayaan Intelektual Dalam Pengembangan Ekonomi Kreatif Di Era Revolusi Industri 4.0," *Jurnal Komunikasi Hukum (JKH)* 7, no. 1 (February 2021): 54, <https://doi.org/10.23887/jkh.v7i1.31457>.

¹¹ Ayu Indirakirana and Ni Ketut Millenia Krisnayanie, "UPAYA PERLINDUNGAN HAK CIPTA KONTEN YOUTUBE WNA YANG DIJPLAK OLEH WNI DALAM PERSPEKTIF BERN CONVENTION," *Ganesha Law Review* 3, no. 2 (July 2021): 85–96, <https://doi.org/10.23887/glr.v3i2.444>.

¹² Maya Jannah, "PERLINDUNGAN HUKUM HAK KEKAYAAN INTELEKTUAL (HAKI) DALAM HAK CIPTA DI INDONESIA," *JURNAL ILMIAH ADVOKASI* 6, no. 2 (October 2018): 55–72, <https://doi.org/10.36987/jiad.v6i2.250>.

¹³ Fokky Fuad and M Abduh Abdullah, "PERLINDUNGAN HUKUM DI BIDANG HAK MILIK INTELEKTUAL (Analisis Terhadap Sengketa Tarian Ronggeng Gunung Antara Kabupaten Pangandaran vs. Kabupaten Ciamis)," *Jurnal Magister Ilmu Hukum* 3, no. 2 (July 2021): 14, <https://doi.org/10.36722/jmih.v3i2.753>.

¹⁴ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus (Yogyakarta: Mirra Buana Media, 2020).

is legal research that is carried out by examining the facts that occur in society related to the problems in research.¹⁵

C. RESULTS AND DISCUSSIONS

Today, industrial revolution 4.0 era has been acknowledged. The development of technology and information in Indonesia becomes a benchmark in readiness for industrial revolution 4.0. Industrial revolution 4.0 is a phenomenon which bands together cyber technology and automation technology.^{16,17} If this is applied, efficiency values in a working environment which put forward punctuality will increase.

Industrial revolution 4.0 was introduced by Angella Merkel in 2015 during the *World Economic Forum (WEF)*.^{18,19} To better understand industrial revolution 4.0, Germany provides some amount of money for research conducted by academics, government, and businessmen. In 2017, the Ministry of Industry moved to create a roadmap for the Implementation of Making Indonesia 4.0 with the aim of accelerating the development of the manufacturing industry in Indonesia.²⁰ In the industrial revolution 4.0, there are at least 5 (five) technologies as a pillar in developing digital-ready industry, that is *Internet of Things (IoT), Big Data, Artificial intelligence, Cloud Computing and Additive Manufacturing*.²¹

The use of applications which have been previously programmed can provide an overview on consumers' habitual activities in carrying out online transactions. Consumers' behaviors are recorded in the big data and be used to make business strategy decisions. The presence of startups which utilize the advancement of technology and digitalization in the service process make use of media that can be accessed realtime. Intellectual property rights is an important matter to consider by the businessmen besides maintaining quality products and good services. There are some plausible reasons why businessmen need to register intellectual property rights, namely: as a legal protection for creators and their products; as an anticipation

¹⁵ Sholahuddin Al-Fatih and Ahmad Siboy, *Menulis Artikel Karya Ilmiah Hukum Di Jurnal Nasional Dan Internasional Bereputasi* (Malang: Inteligencia Media, 2021).

¹⁶ Moch Faizal Rachmadi, "Analisis Optimalisasi Teknologi Digital Di Era Revolusi Industri 4.0 Dalam Mengembangkan Kawasan Industri Pariwisata Halal Guna Meningkatkan Perekonomian Lokal Kecamatan Gunungpati Kota Semarang," *Jurnal Dinamika* 1, no. 1 (July 2020): 39–53, <https://doi.org/10.18326/dinamika.v1i1.39-53>.

¹⁷ Handy Yoga Raharja, "Relevansi Pancasila Era Industry 4.0 Dan Society 5.0 Di Pendidikan Tinggi Vokasi," *JOURNAL OF DIGITAL EDUCATION, COMMUNICATION, AND ARTS (DECA)* 2, no. 1 (May 2019): 11–20, <https://doi.org/10.30871/deca.v2i1.1311>.

¹⁸ Dina Mayasari Soeswoyo and Sekti Rahardjo, "Studi Komparasi Perilaku Wisatawan Nusantara Generasi-X Dan Milenial Era Revolusi Industri 4.0 Di Indonesia," *Tourism Scientific Journal* 6, no. 1 (December 2020): 110–26, <https://doi.org/10.32659/tsj.v6i1.131>.

¹⁹ Mitrakasih La ode Onde et al., "INTEGRASI PENGUATAN PENDIDIKAN KARAKTER (PPK) ERA 4.0 PADA PEMBELAJARAN BERBASIS TEMATIK INTEGRATIF DI SEKOLAH DASAR," *Jurnal Basicedu* 4, no. 2 (March 2020): 268–79, <https://doi.org/10.31004/basicedu.v4i2.321>.

²⁰ Shiddiq Ardhi Irawan, "DAMPAK PANDEMI COVID-19 TERHADAP IMPLEMENTASI MAKING INDONESIA 4.0," *Jurnal Anggaran Dan Keuangan Negara Indonesia (AKURASI)* 3, no. 2 (November 2021): 136–52, <https://doi.org/10.33827/akurasi2021.vol3.iss2.art107>.

²¹ Vinsensius Crispinus Lemba, "MENGASAH PROFESIONALITAS DOSEN DALAM DUNIA DISRUPTIF," *JURNAL REINHA* 12, no. 2 (December 2021), <https://doi.org/10.56358/ejr.v12i2.85>.

of violation toward intellectual property rights; and an increase in competency and market share.²²

There were five startups involved in this study. Three of the five startups used applications for their promotion media process and services. The other two startups used website as a promotional and portfolio media. One of the startups involved in this research has been assisted in registering its business mark in 2019.

In this research, we focus on delivering information and assisting intellectual property rights, especially copyright. We chose copyright because it has relatively shorter submission period. Besides, startups' products are mostly included in the property rights of copyright. In Article 1 paragraph (1) of Law Number 28 of 2014 concerning copyright, it is stated that the definition of copyright is the exclusive right of the creator that arises automatically based on declarative principles after a work is manifested in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations.

The exclusiveness of copyright consists of moral and economic rights as stated in Law Number 28 of 2014, Article 4. Moral rights are rights that are eternally attached to the Creator in terms of whether his name is included on a copy in connection with the use of his creation for the public interest and the right to use aliases or pseudonyms. In addition to moral rights as mentioned above, there are also economic rights. Economic rights are the exclusive rights of creators or copyright holders to obtain economic benefits from their creations.

Article 40 of Law Number 28 of 20014 concerning copyright states what works can be protected by copyright. There are 19 types of creations in the fields of science, art, and literature. We assist startups in the registration of copyrights on types of computer program creations. The selection of the computer program is considering that this startup uses applications as a media for promotion and delivery of the services offered. Information on the importance of intellectual property has not been conveyed to these startups, which makes them not yet registering intellectual property for their products. We briefly explain the importance of intellectual property registration, how the registration process is, and what documents must be prepared.

In this activity, we also had the opportunity to assist the intellectual property registration process from the startups involved until the copyright registration process was published by the Directorate General of Intellectual Property of the Republic of Indonesia.

D. CONCLUSION

The results show that higher education need to regularly socialize the importance of intellectual property rights to new startups. The socialization should not be limited to copyrights but also other intellectual property rights which suit the products. Besides, the roles of Pontianak government are highly required. Pontianak government must register startups with the purpose of assisting the process business development, financial management, law protection, and business entity form. The accompaniment from the government allow collaboration in overcoming social and economy problems in Pontianak. Furthermore, advance startups can absorb many labors which can increase economy and standard of living.

²² Ahmad Farizal, "Analisis Bauran Pemasaran (Marketing Mix) Pada Telor Asin UD. Ratu Sari," *Journal of Economic and Management (JECMA)* 2, no. 1 (2021), <https://doi.org/10.46772/jecma.v2i1.611>.

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