

**PERLINDUNGAN HUKUM TERHADAP PENGHAPUSAN PATEN
TERDAFTAR ASING DITINJAU BERDASARKAN UNDANG-UNDANG
NOMOR 13 TAHUN 2016 TENTANG PATEN
(Studi Putusan Nomor 231 K/Pdt.Sus-HKI/2025)**

ABSTRAK

Penelitian dilatarbelakangi dengan banyaknya pendaftaran Paten asing di Indonesia yang menimbulkan tantangan dalam perlindungan hukum berupa pemberian hak eksklusif terhadap inventor asing di Indonesia. Hak eksklusif yang diberikan berupa komersialisasi invensi yang telah terdapat dalam Daftar Umum Pemegang Paten dan melarang pihak lain untuk memproduksi, mempergunakan, dan menggandakan tanpa seizin Pemegang Paten. Sengketa Paten yang terjadi di Indonesia salah satunya terdapat dalam Putusan Nomor 231 K/ Pdt.Sus-HKI/2025 mengenai Penghapusan Paten Terdaftar Asing di Indonesia. Sengketa Paten yang terjadi antara PT. Harsen Laboratories merasa bahwa *Merck Sharp & Dohme B.V.* tidak menjalankan usaha Patennya di Indonesia sehingga harus dihapuskan dari Daftar Umum Pemegang Paten. Penelitian yang dilakukan bertujuan untuk meneliti bagaimana kepastian hukum terhadap pihak yang berhak mengajukan gugatan penghapusan Paten di Indonesia dan perlindungan hukum terhadap penghapusan Paten terdaftar asing yang ditinjau berdasarkan Undang-Undang Nomor 13 Tahun 2016 tentang Paten.

Metode penelitian menggunakan yuridis-normatif dengan spesifikasi penelitian berupa deskriptif analitis. Sumber data dalam penelitian berupa data sekunder dan metode penyajian data berupa studi kepustakaan.

Hasil penelitian menunjukkan bahwa Pemohon tidak memiliki kepastian hukum sebagai pihak yang berhak mengajukan gugatan penghapusan Paten terdaftar asing di Indonesia karena tidak dapat membuktikan bahwa dirinya sebagai pihak yang mewakili kepentingan nasional dan negara berkewajiban memberikan perlindungan hukum kepada Termohon sebagai Pemegang Paten terdaftar asing karena Termohon telah melaksanakan kegiatan Patennya di Indonesia. Penelitian yang dilakukan diharapkan dapat memberikan reformasi hukum terhadap jaminan kepastian dan perlindungan hukum guna Pemegang Paten di Indonesia.

Kata Kunci: *Perlindungan Hukum; Pendaftaran Paten Asing; Penghapusan Paten; Kepastian Hukum;*

**LEGAL PROTECTION AGAINST THE CANCELLATION OF FOREIGN
REGISTERED PATENTS REVIEWED BASED ON LAW NUMBER 13 OF
2016 CONCERNING PATENTS**

(Study of Decision Number 231 K/Pdt.Sus-HKI/2025)

ABSTRACT

The research was motivated by the large number of foreign patent registrations in Indonesia, which posed challenges in terms of legal protection in the form of granting exclusive rights to foreign inventors in Indonesia. The exclusive rights granted are in the form of commercialisation of inventions that are listed in the General Register of Patent Holders and prohibit other parties from producing, using, and reproducing without the permission of the Patent Holder. One of the patent disputes that occurred in Indonesia is found in Decision Number 231 K/Pdt.Sus-HKI/2025 concerning the Revocation of Foreign Registered Patents in Indonesia. The patent dispute between PT. Harsen Laboratories and Merck Sharp & Dohme B.V. arose because PT. Harsen Laboratories felt that Merck Sharp & Dohme B.V. was not operating its patent in Indonesia and should therefore be removed from the General List of Patent Holders. The research aims to examine the legal certainty for parties entitled to file a patent revocation lawsuit in Indonesia and the legal protection for the revocation of foreign registered patents as reviewed based on Law No. 13 of 2016 concerning Patents.

The research method used is juridical-normative with descriptive analytical research specifications. The data sources in this research are secondary data, and the data presentation method is a literature study.

The results of the study indicate that the Petitioner does not have legal certainty as the party entitled to file a lawsuit for the revocation of a foreign registered patent in Indonesia because it cannot prove that it represents the national interest, and the state is obliged to provide legal protection to the Respondent as the holder of a foreign registered patent because the Respondent has carried out its patent activities in Indonesia. The research is expected to bring about legal reforms regarding legal certainty and protection for Patent Holders in Indonesia.

Keywords: *Legal Protection; Foreign Patent Registration; Patent Recovation; Legal Certainty*