

Legal Protection Against Trade Secrets in Indonesia

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Abstract

Intellectual property protection is a critical component in fostering creativity and economy. Indonesia has ratified the Agreement on Trade-Related Aspects of Intellectual Property Rights and passed the Trade Secrets Law No. 30 of 2000. Every citizen's rights are protected by the law, whether they were acquired as a result of a transfer or arose as a consequence of their own creation. Shared rights in the form of copyrighted works fall under the category of Intellectual Property Rights in the legal world (IPR). As a result, IPR might be defined as an abstract right that pertains to immaterial objects. Copyrights, Patents, and Trademarks, as well as Confidentiality Trade, are examples of ideas that require legal protection from an economic standpoint.

Keywords: Trade secrets; IPR; Law No. 30 of 2000

A. Introduction

As part of the Intellectual Property Rights system, trade secrets, like other IPR items, ought to be protected. Industrialization and a competitive environment has resulted in the development of trade secrets. The right to use their own trade secrets, as well as the right to license or prohibit others from using or disclosing their trade secrets to third parties for commercial purposes, are all examples of

trade secret rights. In Western society, trade secrets are regarded as "private rights" because they are derived through the human intellect's sacrifice of effort, energy, and expensive costs. Eastern culture, on the other hand, views trade secrets as "public rights" that are shared property.¹

Around 3000 BC, the Chinese were aware of the concept of trade secrets. This can be found in the Chinese tale, which refers to Princess Hsi-Ling-Shih, the golden emperor's wife, as the Goddess of Silk. The Princess presides over the silk-making ceremony at the start of each spring. The kingdom maintains great secrecy over the technology and procedure of manufacturing silk. Anyone who disclosed the secret or smuggled silkworm cocoons or eggs out of China would be executed. They kept it a secret for the next 2000 years.²

Around the 18th century, the first cases of trade secrets arose in England, involving hidden prescription remedies and economic competition. In the early nineteenth century, trade secret laws in America accommodated company secrets, rivalry, technology, and job management trends. The topic of trade secrets or trade secrets was taken by America from British common law about protection through doctrines created by judges through jurisprudence in trade secret cases.³

Today's industry is dependent on intellectual property.

¹ Venantia Hadiarianti, "Rahasia Dagang: Informasi Komersial Di Bidang Teknologi/Bisnis". Hak Kekayaan Intelektual, 2010, <https://atmajaya.ac.id/web/KontenUnit.aspx?gid=artikel-hki&ou=hki&cid=artikel-hki-rahasia-dagang>.

² *Ibid.*

³ *Ibid.*

Business actors' intellectual property is a highly prized asset. Experiment, research, and development are all examples of how intellectual property is developed. As a result, intellectual property is not a cheap commodity, but rather a commodity with economic worth that supports the products produced by business actors. To establish an advanced industry capable of competing in the global market, national and international environments that stimulate creativity and innovation must be created, alongside legal protection for trade secrets as part of the Intellectual Property Rights framework.

Considering trade secrets are valuable assets in a company, they must be kept private and protected. If the trade secret is leaked to third parties outside of the agreement, the creator of the trade secret may suffer financial losses. Trade secrets are protected under Law No. 30 of 2000 Concerning Trade Secrets, which aims to reduce any potential losses (hereinafter referred to as the Trade Secret Law). The following definition of trade secrets is found in Article 1 number (1) of the Trade Secrets Law: "In the field of technology and/or business, trade secrets are information that is not widely known to the public, has economic value because it is valuable in business activities, and is kept confidential by the owner of the trade secret".

In Indonesia, trade secret protection is still a new concept. This arrangement is based on the ratified World Commerce Organization (Formation permission World Trade Organization or WTO), which is also covered by the Trade Agreement Intellectual Property Related Aspects Rights (TRIPs Agreement) with Law No. 7 of 1994, therefore

it must be put up for secret trade.⁴ Trade secrets are regulated for the first time in Indonesia under Law No. 30 of 2000 on Trade Secrets. Initially, signs and regulations in Article 1365 Civil Code and Article 382 bis KUHP controlled legal protection against all forms of unfair competition.

This law is critical in encouraging sectors of businesses in Indonesia to enter in national and international trade, as well as encouraging company creativity and innovation. The Trade Secret Law was promulgated in order to protect the rights of trade secret owners and provide legal clarity for them. Despite the fact that the Trade Secret Law has been passed and is in effect, there are still gaps in terms of lowering the types of trade secret theft offenses from a technological and business perspective.

B. Discussion

Difference Between Patent and Trade Secrets

To be able to establish a good economic development, a country needs a good Intellectual Property Rights system. With the promulgation of Law Number 7 of 1994 concerning Ratification of the Agreement Establishing the World Trade Organization, by law Indonesia has been bound by the provisions on IPR in the General Agreement on Tariffs and Trade or General Agreement on Tariffs and Trade. One of the attachments to the Tariff and Trade Agreement is the Agreement on Trade Related Aspects of Intellectual Property Rights or abbreviated as TRIPs. TRIPs is an international standard that

⁴ Taufik Effendy. "RAHASIA DAGANG SEBAGAI BAGIAN DARI HAK KEKAYAAN INTELEKTUAL". *Al' Adl* VI, no. 12 (2014): 54.

must be used with respect to IPR. For developing countries like Indonesia, developing TRIPs is of course not easy because there are many factors that influence Indonesia in providing protection for IPR as desired by developed countries. Although the TRIPs agreement was set to come into effect on January 1st 1995, In Indonesia, TRIPs came into effect on January 1 2000. From there we can see that the introduction of new technology in the economy fosters economic growth and enhances community welfare. As we all know, IPR consists of Copyrights and related rights, Trademarks, Patents, Geographical Indications, Industrial Designs, Integrated circuit layout designs, Trade Secrets, Protection of Plant Varieties, and Cultural Conservation⁵.

In terms of protecting their company's Intellectual Rights, people are often still confused in choosing between Patent Rights and Trade Secrets. The difference between the two is:

By definition, a patent is an exclusive right granted by the state to investors for their inventions in the field of technology for a certain period of time to carry out the invention themselves or to give approval to other parties to implement them (Law No.13 of 2016 concerning Patents). Trade secrets according to Law No.30 of 2000 is referred to as information that is not known to the public in the field of technology and/or businesses, has economic value because it is useful in business activities, and is kept confidential by the owner of the trade secret. The period of protection is also a differentiating aspect. The maximum term of patent protection is 20 years for ordinary patents and 10 years for simple patents. The maximum

⁵ Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs Agreement) (1994)

period of protection cannot be extended. After the expiration, the invention of the formula in the patent becomes a public property. On the other hand, a trade secret does not have a maximum period of protection. Given its secret nature, protection can continue to be used as long as the secret is not disclosed. Usually, trade secrets are related to information or invention that holds commercial value and are not known to the public. The commercial value of a trade secret is that the confidentiality of the invention must be maintained so it does not leak. While patents can be easily recognized that, the monopoly rights are limited to a certain period of time.⁶

PATENT

Understanding and Legal Basis

Article 1 paragraph (1) of Law Number 13 of 2016 stated that a patent is an exclusive right granted by the state to an inventor for his invention in the field of technology for a certain period of time to carry out the invention himself or to give approval to other parties to implement it. An exclusive right is an underlying right that already exists, and can be applied in industry. A simple patent is granted for an Invention in the form of a product which not only differs in technical characteristics, but must have a function/usage that is more practical than the previous Invention due to its shape, configuration, construction, or components thereof including tools, articles, machines, compositions, formulas, uses, compounds, or systems. A simple patent is also granted for an invention that is a new process or method. Patents are granted for works or invention

⁶ “Apa Beda Paten Dan Rahasia Dagang? Penjelasan Ini Perlu...”
<https://www.hukumonline.com/berita/baca/1t5e7f549855b13/apa-beda-paten-dan-rahasi-a-dagang-penjelasan-ini-perlu-anda-simak>.

ideas (inventions) in the field of technology, in the form of products or processes, then when utilized will get economic benefits. This is the basis that patents get legal protection. The legal protection provided is not automatic, there must be a prior application. Patent rights are special, because they are only granted to investors to carry out their inventions or to give approval to other people to carry out their inventions, it means that other people may only use the invention if there is approval or permission from the investor as the owner of the rights. In other words, the specificity lies in its nature which excludes people other than the investor as the owner of the right from the possibility to use or carry out the invention, such properties are said to be exclusive.

Types of Patent

There are 2 types of patent rights based on Article 2 Law Number 13 of 2016 concerning Patents. Namely ordinary patents and simple patents. An ordinary patent is a patent granted for an invention that is new, contains an inventive step and can be applied in the industry. A simple patent is a patent granted for any new invention, developed of an existing product or process, and can be applied in the industry (Article 3 (2) Patent Law). A simple patent is granted for an invention in the form of a product which not only differs in technical characteristics, but must have a function or usage that is more practical than previous invention due to its shape, configuration, tools, goods, machines, composition, formulas, uses, compound, or system.⁷

⁷ "Ini Lho Perbedaan Paten Dan Paten Sederhana." Smart Legal ID, 25 Mar. 2020, <https://smartlegal.id/hki/pendaftaran-paten/2020/03/26/ini-lho-perbedaan-paten-dan-paten-sederhana/>.

There are at least 3 conditions for an invention to be granted a patent:

1. The findings must be new

In accordance with the provisions of the Patent Law, the novelty of an invention is measured internationally and not nationally. So the findings must be new to the world. However, for simple patents it is still using local novelty. In practice, to measure the novelty of an invention, laboratory tests are rarely carried out besides it is done by comparing documents or searching to various leading patents offices in other countries; JPO (Japan Patent Office), USPTO (United States Patent and Trademark Office), etc.

2. Contains inventive steps

Inventive steps relate to creative thinking and distance. An invention must be one or two steps ahead from the original state. In other words, progress from the state of art.

3. Can be applied in industry (industrially applicable)

This means that findings can be produced or used in the production process. Thus, patents can be in the form of product patents and process patents. This provision demands that the patent must be applicable in the industry or production of goods. A patent must have a physical dimension, not just an idea or concept.

We should also keep in mind that not all finding and/or inventions can be given a patent. inventions that shouldn't be

patented includes:⁸

1. Findings about production processes or product whose use is contrary to the public order legislation, decency
2. The discovery of the method of examination, treatment, surgery which is applied in animals or humans
3. The discovery of theories and methods in the fields of science and mathematics
4. All living things except micro-organism
5. Biological processes that are essential for the production of plants or animals except non-process biological or microbiological processes.

TRADE SECRET

Understanding Trade Secret

According to Article 1 paragraph (1) of Law Number 30 of 2000 concerning Trade Secrets, it is explained that trade secrets are information that is not known to the public in the field of technology and/or business, has economic value because it is useful in business activities and is kept confidential by the owner of the trade secret.

Article 3 of the Trade Secret Law stated that:

1. Trade secrets are protected if the information is confidential, have economic value, and are kept confidential through appropriate efforts;
2. Information is considered confidential if the information is only known by the third party, certain or not generally known by the public;

⁸ Budi Santoso, "PRINSIP-PRINSIP DASAR PATEN." pp. 1-14., https://lppm.unisbank.ac.id/files/2017/01/PA_TEN-DAN-HAK-CIPTA-Materi-Prof.-Budi-Santoso.pdf. Accessed 15 December, 2021.

3. Information is considered to have economic value if the confidential nature of the information can be used to carry out activities or businesses that are commercial in nature or can increase economic profits;
4. Information is considered to be kept confidential if the owner or the parties who master it have taken appropriate and appropriate steps.

Based on the articles above, it can be seen that trade secrets are rights to trade secrets that arise based on Law Number 30 of 2000 concerning Trade Secrets. The trade secret is considered confidential if the information is only known to a limited extent by certain parties, both those who discover it and those who use it for activities that generate profits or commercial interests. Trade secrets must have economic value to be categorized as trade secrets, the information must be kept confidential. Information is considered to have economic value if the confidentiality of the information can be used to carry out commercial activities or businesses and increase economic profits. If the information is leaked or intercepted by other parties, the confidentiality will be lost and the owner will suffer losses. Confidentiality of information is an effort to cover information in order to protect it from being known by other parties. Trade secrets are protected by strict supervision and strict legal regulations.

The contents of Law Number 30 of 2000 concerning Trade Secrets are divided into eleven chapters:

1. GENERAL REQUIREMENTS
2. SCOPE OF TRADE SECRETS
3. OWNER'S RIGHTS OF TRADE SECRETS

4. PENGALIHAN HAK DAN LISENSI (First part Transfer of Rights, Second part Licence)
5. COST
6. DISPUTE RESOLUTION
7. TRADE SECRET VIOLATION
8. INVESTIGATION
9. CRIMINAL PROVISIONS
10. OTHER PROVISIONS
11. CLOSING

The contents of Law Number 30 of 2000 concerning trade secrets covers all areas of Trade secret. In general, the trade secret law may be seen as a supplement to Law No. 5 of 1999, which prohibits monopolistic practices and unfair business competition.

Examples of Trade Secret

Many worldwide food and beverage industry firms, such as Coca-Cola implement Trade Secret protection mechanisms to secure their creative recipe formulations. Coca-Cola's secret drink formula is kept in a vault. Because the formula had not been patented, it was never made public.

The Coca-Cola Company, founded in 1892 that specializes in the production and marketing of syrup and concentrate for Coca-Cola, a sweetened carbonated beverage that has become a cultural icon and a lifestyle in the world today. Coca-Cola has a 127-year history and is still the most widely consumed drink in the world, with 1.9 billion servings every day in 200 countries.⁹ Coca-Cola has

⁹ Always Coca-Cola: World's Favourite Soda Tops Brand
[https://brandfinance.com/press-releases/always-coca-cola-worlds-favourite-soda-tops-br and-ranking](https://brandfinance.com/press-releases/always-coca-cola-worlds-favourite-soda-tops-br-and-ranking)

a 125-year-old secret recipe for its renowned drink mix, which is packaged in red cans and beautifully styled bottles. The original formula recipe is presently preserved in a home in The World of Coca-Cola in Atlanta, while it was formerly held at SunTrust Bank in Atlanta since 1925, according to its website www.thecocacolacompany.com. Only a few executives have access to the formula, according to Coca-Cola.

Coca-Cola uses brand protection procedures to protect its well-known trademarks, emblems, logos, slogans, and beverage packaging, in addition to trade secret protection measures. Trademark registration can protect the owner of a trade secret from third parties that seek to profit from the renown or reputation of their unique product by exploiting the product's name or identifying feature. Trademark protection, unlike trade secrets, is secured by registration. The owner of a trademark registration can keep it for as long as he wants as long as he renews it every ten years.

Google, founded on September 4, 1998, is a global technology corporation based in the United States that specializes in Internet-related services and products such as online advertising technologies, a search engine, cloud computing, software, and hardware. Along with Amazon, Apple, Meta (Facebook), and Microsoft, it is considered one of the Big Five businesses in the American information technology sector.

An algorithm is a method or technique for solving a problem that is based on performing a series of steps. A computer program may be thought of as a complex algorithm. Algorithms are employed in almost every aspect of IT (information technology). The algorithms employed by Google to extract material from its search

index and offer the best possible results for a query are a complicated system. On its search engine results pages, the search engine employs a combination of algorithms and several ranking parameters to offer webpages rated by relevance (SERPs).

Its algorithm is a closely kept trade secret, however it mainly relies on correlating search queries to noun phrases in Web pages, as well as a site's popularity and the frequency with which other sites link to it. Google may be compared to a Web's version of a supercharged, automated reference librarian. Google's search algorithm is a trade secret. The algorithm was created by the firm in 1997, and it is still being refined and updated, with the most recent version occurring in January 2020.

Sony Ericsson, Ericsson or Sony Mobile Communications Inc is a multinational is a telephone company provider was established in 2001 between two large company which are distinctive: Sony, a Japanese company that create electronics goods and a Swedish company in the field of telecommunications. In 2012, the Ericsson portion of the corporation was bought in its entirety by Sony.

Sony Mobile was the leading mobile phone manufacturer in the first quarter of 2012. ninth in the entire globe.¹⁰

Based on the text above, then it is clear that the Trade Secret exists. Information is traded between these two giant companies. It is really beneficial as a result, the business needs to be kept confidential. At that time this product differed significantly from other products at the market. Their product for example, the battery

¹⁰ IDC says Sony sold 9.8 million smartphones in Q4; now ranks in fourth place | Xperia Blog". www.xperiablog.net.

safety or an advanced processor was a solid trade between these two giants, This information has been gathered because the data is available from both sides and as a result they are able to profit from it.

Trade Secret Legal Protection

By definition, protection can be interpreted as a way, procedure, process of making legal protection. This is a form of effort regulated by law to prevent violations of rights by unauthorized parties and defend rights of trade secrets in the event of a breach. In trade secret information there is the concept of protection of the owner of the secret. The concept of protection of Trade Secrets is regulated in Article 1 number (2) Trade Secret Law (TRIPs) which is an appendix of Agreement Establishing the World Trade Organization on Trade Organization, has been ratified by Indonesia with Law no. 7 of 1994. which states that the right to trade secrets is the right to trade secrets arising under the Trade Secret Law. Legal protection of trade secrets against trade secrets is provided by the state through the the Trade Secret Law, protection filing can be made with civil or criminal lawsuits, but this law regulates the forms of violations that can be committed by other parties who can be prosecuted in accordance with Article 13 and Article 14 of the Trade Secret Law.

The Trade Secret Law regulates the transfer process according to Article 15 of the law and Article 16 regulates the granting of license. In accordance with Article 3 paragraph (4) of the UURD which states that information is kept confidential if the owner or the controlling

parties have taken steps worthy and obedient.¹¹

To see the concept of legal protection in trade secrets, we need to consider the priority scale for prevention of trade secret violations, namely:

1. Civil Threats, which can be in the form of the obligation of the parties to compensate the violators against the owner of the trade secret with consideration of the direct and indirect consequences of legal events (Article 11 of the Trade Secret Law).
2. Criminal Threats in accordance with Article 17 of the Trade Secret Law states that violations of Article 13 and Article 14 of the Trade Secret Law can be punished with imprisonment of two years or a maximum fine of Rp. 300,000,000.00 (three hundred million rupiah).

To manage Administration of Trade Secrets, the government is currently appointing the Ministry of Justice and Human Rights, Directorate General Intellectual Property Rights to perform services in the Property Rights field Intellectual. Protection of secrets Trade is regulated in Law Number 30 of 2000 on Trade Secrets (UURD) and comes into effect from 20 December 2000.

Trade Secret Law No. 30 of 2000 provides scope of trade secret protection which includes production methods, processing method, method sales, or other information on technology and/or business bidang which has economic value and is not known by the general public.

¹¹Agus Iskandar. "Perlindungan Hukum Rahasia Dagang Menurut Undang-Undang Nomor 30 Tahun 2000 Tentang Rahasia Dagang." 1-14., [https://media.neliti.com/media/publications/26761-ID-perlindungan-hukum-rahasia-dagang-menu rut-undang-undang-nomor-30-tahun-2000-tent.pdf](https://media.neliti.com/media/publications/26761-ID-perlindungan-hukum-rahasia-dagang-menu-rut-undang-undang-nomor-30-tahun-2000-tent.pdf). Accessed 15 Dec. 2021.

A Trade Secret will obtain protection when the information is:

1. Confidential, means that information only known by a certain party or not generally known by the general public;
2. Have an economical value, meaning that the confidential nature of the information can be used to carry out business activities commercially or can improve economic advantage;
3. Information is kept confidential when the owner or the parties who own it have done proper steps.

Trade Secret Principles

To assess the level of confidentiality that must be possessed knowledge in order for it to be classified as a trade secret, three factors must be considered:¹²

1. The generalia principle, which states that secrecy is contingent on how many people are aware of the knowledge;
2. The principle of difficulty, which refers to the difficulty of obtaining secret information. Because this procedure is complex and complicated, it necessitates time and effort rather than a minimal charge;
3. Contractual concept, implying that the information must be kept confidential as written on agreement.

Case of Trade Secret

Hitachi sued over trade secrets published in the 21st edition of the *Harian Bisnis Indonesia* in October 2008.

¹² Susilo, Agus. "Laporan Akhir Tim Analisa Dan Evaluasi (AE) Tentang Rahasia Dagang (UU Nomor 30 Tahun 2000)". *Rahasia Dagang*, 2010, 58.

PT Basuki Pratama Engineering filed a claim for compensation through Bekasi District Court against PT Hitachi Construction Machinery Indonesia for Rp127 billion, allegedly violating trade secrets. Apart from PT Hitachi Construction Machinery Indonesia HCMI, other parties who are used as defendants in that case were Shuji Sohma, in his capacity as former President Director of PT HCMI. The other defendants are Gunawan Setiadi Martono, Defendant III, Calvin Jonathan Barus Defendant IV, Defendant Faozan V, Yoshapat Widiastanto Defendant VI, Agus Riyanto Defendant VII, Aries Sasangka Adi Defendant VIII, Defendant Muhammad Syukri IX, and Roland Pakpahan, Defendant X.

Insan Budi Maulana, attorney for PT Basuki Pratama Engineering BPE, said a follow-up hearing was scheduled for November 28 with an agenda mediation judge. According to Insan, the lawsuit was made in connection with violation of trade secrets, the use of production methods and or sales methods of boiler engines without rights.

PT BPE is engaged in the production of industrial machinery, with initial production of wood drying machines. The plaintiff, he said, was the owner and the holder of the rights to the trade secret of the production method and the sales method of the machine boilers in Indonesia "The production process method is a company secret," he said. He explained that Defendants IV to Defendant X were former employees PT BPE, but it turns out that since the defendants no longer work at the company, they have worked at the defendant's company PT HCMI.

The defendant, he said, about three to five years ago began

manufacturing boiler machines and uses production methods and sales methods belonging to the plaintiff which has been a trade secret of PT BPE. PT BPE, according to him, strongly objected to the actions of Defendant I, both individually and jointly producing boiler machines using the production and sales method of the plaintiff's boiler machine without permission and without right.

It was stated that "The defendants are obliged to pay immaterial compensation" and materially around Rp. 127 billion for the violation of the boiler engine trade secret". Previously, PT BPE also sued PT HCMI through the Central Jakarta Commercial Court in case of violation of the industrial design of the boiler engine. PT BPE's lawsuit was granted by the panel of judges. However, PT HCMI is known to have filed an appeal to the Court Supreme Court on the decision of the Central Jakarta Commercial Court.

Meanwhile, PT HCMI's attorney, Otto Hasibuan, said that the filing of a trade secret violation lawsuit by PT BPE against its former employees and PT HCMI is in principle the same as the previous BPE complaint or lawsuit. The lawsuit, according to Otto Hasibuan, in his statement that was accepted by Bisnis, based on BPE's allegations against its former employees that they have stolen trade secrets in the form of production methods and sales methods boiler machines. In fact, he said, it was former BPE employees who chose to move work only to seek and earn a decent living and peace of mind at work, and absolutely no breach of secret trade or BPE company regulations. In fact, according to him, the employee had contributed a lot to BPE in designing boiler machines. He explained the constitution and laws of Indonesia, especially Law No. 13 of 2003 concerning Manpower, has provided guarantees and protections for workers' human rights,

including the right to change jobs. HCMI is optimistic about BPE's lawsuit "HCMI believes that the panel of judges will be objective, so that The BPE lawsuit will be rejected," he said.

Case Secret Violation

Trade secret breach or violation occurs when someone intentionally discloses a trade secret, reneges on an agreement or a written or unwritten obligation to guard the trade secret. Another possibility of trade secret violation is when a person obtains or controls a trade secret in a way that is contrary to the applicable laws and regulations.¹³

To resolve a trade secret case, we first need to determine in advance whether the information is a trade secret or not. If the information is a trade secret, then it is necessary to see whether the party has permission to use it or not. Second, according to Article 1 point 5 of the Trade Secret Law, the permit is in the form of a license granted by the holder of a trade secret to another party through an agreement based on the granting of rights to enjoy the economic benefits of a trade secret that is protected. If the suspected individual has permission to trade secrets, then it is not a trade secret violation. Third, settlements of trade secret disputes can be found in Article 11 of Law No.30 of 2000 which states: The Trade Secret Right Holder or Licensee may sue anyone who intentionally and without rights commits the acts as referred to in Article 4, in the form of: a. claim for compensation; and/or, b. termination of all actions as referred to in Article 4. In addition to a lawsuit to the District Court, the parties

¹³ "Apa Yang Termasuk Dalam Pelanggaran Rahasia Dagang?" Legalku Digital Teknologi, [https://www.legalku.com/knowledge-base/ap a-yang-termasuk-dalam-pelanggaran-rahasi a-dagang/](https://www.legalku.com/knowledge-base/ap-a-yang-termasuk-dalam-pelanggaran-rahasi-a-dagang/)

can resolve the dispute through arbitration or alternative dispute resolution.¹⁴

Not Considered a Trade Secret Violation

There are actions that are not considered Trade Secret infringement if:

1. Disclosure act Trade Secret or usage The Trade Secret based on interests defense and security, health or safety of the general public; and
2. Reengineering actions on products produced from Use of Trade Secrets from someone else's solely for the sake of product further development. What is meant by reengineering? In this case it is an act of analysis and evaluation to find out information about a technology which has existed.

C. Conclusion

In Indonesia, we could conclude that the movement for the Legal Protection on Intellectual Property Rights (HAKI), which includes copyrights, patents, trademark rights, and trade secrets, has grown in strength. Production methods, processing procedures, sales tactics, or other knowledge in the field of technology and/or business that has economic worth and is not known by the general public since it is covered by the Law No. 30 Year 2000 concerning Trade secrets. Since a trade secret contains a component of confidentiality, it has no time limit for protection; the most important thing is that as long as

¹⁴ "Cara Penyelesaian Sengketa Rahasia Dagang," Klinik Hukumonline. [https://www.hukumonline.com/klinik/detail/ulasan/lt5fd2626a0ba82/cara-penyelesaian-se ngketa-rahasia-dagang](https://www.hukumonline.com/klinik/detail/ulasan/lt5fd2626a0ba82/cara-penyelesaian-se-ngketa-rahasia-dagang).

the owner of the trade secret continues to make efforts to keep the knowledge confidential, the information is continuously protected by the trade secret. As part of the Intellectual Property Rights system ought to be protected. Many people in the Republic of Indonesia do not understand the concept of Trade secrets. If a lot of people are aware of Trade secrets, they can utilize more profits from their produce goods/products and it will make the nation's economy move better.

With that in mind legal protection against trade secrets in Indonesia is an important aspect to be known and studied not just for those individuals who are active in the legal world but also for the general public.

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