

Demystifying Intellectual Property Rights in the Creative Industry SMES

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What is the importance of intellectual property rights (IPR) for small and medium enterprises (SMEs) in the creative industry? This paper analyses the relationship between understanding IPR for SMEs and the economic value generated from IPR strategy. Located in the Special Region of Yogyakarta, Indonesia, this research gathered data over the past five years to examine the way in which SMEs in creative industry register their intellectual property (IP). This study found that this IPR strategy is an impact of the existence of state-institutionalised programs in an effort to enhance the capacity of SMEs in Yogyakarta. These efforts include the introduction of IPR in the forms of assistance, courses and workshops, as well as incentives in IPR registration. This study indicates that there is strong relationship between IPR protection and the economic benefits that it creates afterwards. This study also emphasizes the role of the government in carrying out activities and programs that prove to be hugely influential.

Key words: *Impact evaluation, valuation, trademark, copyright, IPR, SME, Indonesia.*

JEL Classification: K20, O34

Introduction

The development of the modern world economy at the moment is dominated by small and medium enterprises (SMEs). SMEs are a business activity that is in high demand after the economic crisis which resulted in layoffs in large companies. So that the role of SMEs in improving the nation's economy, especially the economy of society, is enormous. In addition, SMEs are one sector that is able to survive despite the crisis. Therefore, this sector will

continue to be in the Government's attention so that in the future, it will become the backbone of the Indonesian economy.

When the monetary crisis hit Indonesia around 1997-1998, SMEs proved to be standing firm when other large businesses fell, this shows that SMEs proved to be able to survive despite the economic downturn in a country. Besides that SMEs are the driving force of economic growth in Indonesia. From the data from the Central Bureau of Statistics, the number of these SMEs in Indonesia exceeded 26 million or more than 98 per cent of the total non-agricultural businesses. These businesses are also capable of absorbing no less than 59 million people or more than 75 per cent of the total workforce in the non-agricultural sector (Central Bureau of Statistics Republic of Indonesia, 2019).

Because of the importance of these SMEs, of course, attention needs to be paid to their management, especially related to policies in a country regarding SMEs. As for a creative industry, each year has new creativity in producing a product or service. Creative industries play a fundamental role in accelerating the growth of economic development. The creative industry not only contributes to economic growth, but can promote a favorable business climate, can enrich the identity and the image of Indonesia, promote the utilisation of renewable resources, is the epicenter of the formation of creativity and the creation of innovation, and has an overall positive social impact towards society.

The amount of innovation and creativity produced by SMEs in order to protect its products cannot be separated from the protection that exists in the regime of Intellectual Property Rights, both brands, patents, industrial design, copyright and trade secrets. Therefore, an understanding of IPR is needed for SMEs, especially in order to provide protection for their products.

IP resources collect to their proprietors through its business advancement and procedures: from item improvement to structure, from administration conveyance to promoting, and from raising money related to assets, to trading or extending its business through permitting or diversifying. IP imparts trust, certainty and steadfastness to the purchasers it markets to. Moreover, IP gives a particular personality, picture and notoriety (Urwin, 2008). Their imaginative and innovative limit, notwithstanding, isn't in every case completely used, as the same number of SMEs don't know about the licensed innovation framework or the assurance it can accommodate their developments, brands, and structures (WIPO Magazine, 2005).

A trademark likewise empowers buyers to pick merchandise and ventures effortlessly while shopping. Besides, the trademark may likewise serve the quality capacity as it depicts the item for its known quality. Critically, the trademark assumes a huge job in publicising and buyers are incredibly affected by promotion. A set up trademark can be a significant resource for the proprietor as it very well may be authorised or diversified, for example, Kentucky

Fried Chicken, McDonald's, Starbucks Coffee and Tea and so on (Sukarmijaya and Saponga, 2014). To register a brand, an entrepreneur should have a particular knowledge on the trademark. Unfortunately, in Indonesia, the understanding of IPR by SMEs is shallow. From various scientific meetings and socialisation of IPR carried out by various ministries in Indonesia, many SMEs do not understand about IPR and the importance of IPR protection.

This is regularly the after effect of their restricted information on the intricate details of the IP framework, absence of lucidity about its significance to their business procedure and seriousness, and of their seeing the framework as excessively entangled and costly to utilize (Sukarmijaya and Saponga, 2014). Be that as it may, many are uninformed of the significance of IP. In an ongoing study, it was unmistakably apparent that the level of open mindfulness about IP is low and only comprehended by parties with intrigue or establishments and associations which are engaged with the field (Perbadanan Harta Intelek Malaysia [www.myipo.gov.my], 2013).

Thus, the overall purpose of this paper is to examine the importance of understanding for SMEs, which often is ignored as a business asset. Furthermore, the paper is analysing the relationship between IPR and improving the economic aspect of SMEs. This article further proposes a few proposals for policymakers and SMEs in completely using IP to the most extreme in the business and defeating the difficulties confronted.

The structure of this paper is as follows. After the introduction of the study, Section 2 elaborates the theoretical background on IPR and the rationale of the city of Yogyakarta as our case study. Section 3 describes our methodology, followed by Section 4 that discusses and analyses the dynamics and idiosyncrasies of IPR in the context of SMEs in creative industry. This paper concludes in Section 5 by providing the remarks, as well as limitations of the study and suggestions for future research in this emerging field.

Literature Review

Theoretical Background on IPR

The rise of IPR can be traced back from the concept of rights according to law. Prof. Mr. L. J. Van Apeldoorn stated that rights are laws that are connected with a person or subject of a particular law and incarnate into a power, and a right arises when the law starts to move. In a book entitled "*Inleiding tot de studie van het Nederlandse Recht*," Van Apeldoorn said, "Rights are laws intended for humans or special legal subjects and thus are transformed into regulations" (Apeldoorn, 1976).

Discussing Intellectual Property Rights (IPR) is strongly influenced by John Locke's thought about the theory of property rights. John Locke said that the property rights of a human being to the objects they produce have existed since humans were born. Objects in a sense here are not only tangible objects but also abstract objects, which are called property rights on intangible objects which are the result of human intellectuals (Locke, 1967).

Wealth (property) is the equivalent of the word ownership. Then wealth can be interpreted as ownership of an object as a consequence of giving rights to someone by law while the word Intellectual means intelligence, power of thought and the ability of the brain possessed by someone. So IPR can be interpreted as the power granted by law to legal subjects, either a human or legal entity, over an object that is the result of human intellectual intelligence.

Licensed innovation (IP) relates to any unique making of the human keenness, for example, aesthetic, artistic, specialized, or logical creation. Licensed innovation rights (IPR) alludes to the legitimate rights given to the innovator or maker to ensure his development or creation for a specific timeframe (Singh R, 2004). These lawful rights give an elite right to the designer or maker or their appointee to completely use their development/creation for a given timeframe. It is very much settled that IP is assumed an essential job in the advanced economy (Saha and Sanjib, 2011).

IPR is a solid instrument, to ensure speculations, time, cash, exertion contributed by the innovator or maker of an IP, since it allows the designer or maker a selective ideal for a specific timeframe for the utilisation of their development/creation. Accordingly IPR right now, aids the financial improvement of a nation by advancing solid challenge and empowering mechanical advancement and monetary development (Saha and Sanjib, 2011). The hypothesis of regular law is generally utilized as the establishment of good and philosophical requests to secure the property privileges of people as protected innovation.

IPRs turned into an increasingly major issue since it is related and is appended to the monetary interests, which in the Western idea of work is a financially favorable position in the form of capital. At the point when the financial parts of IPR is upset, the Western nations will bend over backward to support the execution of the guidelines on protected innovation in any nation. At that point it is unsurprising in light of the fact that Western nations are rights holders; they are worried about the requirement. Conversely, the Western nations need to persuade the East that licensed innovation rights are something that is essential to adjust the economy.

A Glimpse of Yogyakarta as a UNESCO Creative City

Special Region of Yogyakarta or commonly abbreviated as DIY is one of the provincial-level autonomous regions in Indonesia. This province has its capital in Yogyakarta. From the name of this region, the Special Region of Yogyakarta and its status as a Special Region, it has a status as a Special Region with respect to the historical sequences of the founding of the province, both before and after the Declaration of Independence of the Republic of Indonesia.

Yogyakarta Special Region is the second oldest province in Indonesia after East Java, which was formed by the Indonesian state government. As a Provincial-level Autonomous Region, the Special Region of Yogyakarta was formed under Law No. 3 of 1950, in accordance with the purpose of article 18 of the 1945 Constitution. It is stated that the Special Region of Yogyakarta covers former Yogyakarta Region and Sultanate and Pakualaman Region.

In 2012, on August 30, DIY entered a new chapter in the course of its history. On that day the Draft Law Specialties of the Special Region of Yogyakarta (RUUK DIY) were officially endorsed by the Council People's Representative (DPR) to become Law Number 13 of 2012 concerning Specialties of Yogyakarta Special Region. The law is a form of recognition as well as respect for the state of regional government units that unique or special.

As the capital of the Yogyakarta Special Region Province, the City of Yogyakarta is rich in a predicate, both originating from its history and its future potential, such as cities of culture, cities of struggle, cities of students, as well as cities of tourism. In addition to the various predicates inherent in Yogyakarta, Yogyakarta is officially proposed as a candidate for the UNESCO Creative City.

Submissions made by the Ministry of Tourism and Creative Economy is intended to make Yogyakarta gain wider international recognition as a city that has advantages in the arts, culture and creative industries. The UNESCO Creative Cities Network was introduced in 2004 and aimed to foster sustainable development based on the development of art, culture, creative industries and design (Iman, 2019). One of the requirements to be able to enter the creative city network is that the city must have a product or activity that can become a creative icon. UNESCO defines the category of a creative city in two groups, namely craft-based city and design-based city. Cities that get UNESCO recognition as creative cities can collaborate and exchange knowledge and support the programs and priorities announced by UNESCO. Until now UNESCO has established 34 cities in the world as part of the Creative Cities Network. Some of UNESCO's creative cities include Sydney, Melbourne, Sevilla, Bologna, Shanghai, Beijing, Shenzhen, Lyon, Genju, Nagoya and Dublin.

After these cities have been recognized by UNESCO as creative cities in Indonesia, there are consequences that must be borne by the Government. Including that the Government must be ready to provide adequate creative space in these cities, so that the actors of the creative community can exhibit and introduce the programs and works of art they create. As for the actors of the creative community themselves, they must be more consistent in producing works of art or organising programs. The program designed is also expected to have a functional and sustainable impact.

With the proposal of Yogyakarta to be a creative city, it is expected to improve the image of Yogyakarta. Besides, it will also bring up more creative industries, so that people's welfare will increase.

Yogyakarta, as a creative city, is shown by the growth of SMEs in Yogyakarta every year. Until the end of 2018, there were 258 thousand SMEs units, and 90 per cent of them were micro-scale businesses. With the continued growth of SMEs in Yogyakarta, the local Government has actually tried to develop various programs that support SME businesses in Yogyakarta. This can be seen from the award given to Yogyakarta in managing SMEs in 2016, namely the establishment of Yogyakarta as the Best City in the field of Cooperatives and Micro, Small and Medium Enterprises (MSMEs). The award was given by the 2016 International Council for Small Business (ICSB) award. The award is given to regions (cities/regencies) who have successfully managed and created good ecosystems for Micro, Small and Medium Enterprises (MSMEs) in their regions.

It won the Yogyakarta City Award as the Best City because the Yogyakarta City Government was considered to have pro-SMEs policies. That is, their assessment is due to the concern of the Yogyakarta City Government towards the SMEs who are quite high. The commitment is in the form of technical training, management, finance, infrastructure assistance and assistance to get capital. Not only that, to advance the Cooperatives and SMEs in the City of Yogya, they continued, the Yogyakarta City Government always facilitate business people in an exhibition event at the local and regional level, up to the national level. In addition, the local Government in Yogyakarta also seeks to provide legal protection for creative industry products in Yogyakarta, one of which is by filing brands and other IPR applications for SMEs.

Methods

This research is qualitative research with an Empirical Juridical approach. This qualitative research was conducted because this research is descriptive in nature, which describes the understanding of SMEs towards the importance of IPR protection of their products and tends to use an analysis of the data obtained. Purposive data source sampling is done, a collection

technique with triangulation (combined), inductive data analysis where the results of the study qualitatively emphasizes meaning rather than generalisation (Husein, 2011). Qualitative research seeks to understand interpreting events of deep human behaviour interaction in certain situations from the perspective of the researchers themselves.

This research takes place in the Department of Industry and Trade of the Special Province of Yogyakarta. The researchers took that location because in that place there is the Intellectual Property Management Center, which has been a place for filing applications for IPR for SMEs Data collection methods that are carried out through library research studies and field studies with informants from Department of Industry and Trade through the Management of Intellectual Property of the Special Region of Yogyakarta. The analysis method starts with data collection, data reduction, data presentation, and conclusion drawing.

Result and Discussion

Diffusing the Understanding of IPR for SMEs

At present, there are more than two thousand SMEs in Yogyakarta. The large number of SMEs in Yogyakarta shows that now people are more interested in doing SME businesses because of the relatively small risk of the business. So that indirectly the presence of SMEs in Indonesia can contribute to the income of their respective regions. Although the growth rate has not been significant in encouraging national economic growth, SMEs have become the backbone and buffer zone that saves the country from a deeper economic downturn.

In terms of SME management, it needs to be optimized by the Government in order to boost the increase in the economy of SMEs. One of the things that needs to be pursued is to provide socialisation to SMEs regarding IPR so that the level of understanding becomes higher about the importance of IPR protection for SMEs.

IP and its worth regularly are not satisfactorily valued. In the inexorably information driven economy, IP is a basic thought in everyday business choices. New items, brands and inventive structures show up practically day by day and are the consequence of constant human advancement and inventiveness. Little and medium-sized undertakings (SMEs) are frequently the main impetus behind such advancements (Saleh, 2008).

In 2018 the Department of Industry and Trade of the Sleman Regency of the Special Region of Yogyakarta held IPR schools for SMEs in Sleman. This IPR school aims to provide knowledge to SMEs on the importance of IPR protection for their products from counterfeiting and other legal issues. Because the development of technology and information causes access to sources of information and data to be very easy, the adverse effects will be

the widespread theft of creativity and innovation of products produced by SMEs. This lack of understanding of IPR is due to information about IPR that has not been spread and/or is not yet easy to understand.

IPR Schools are a new strategy in educating SMEs to have a comprehensive and robust understanding of the mastery of IPR registration management and understanding in utilizing IPR as a future business strategy. This IPR school, has a program that aims to provide basic knowledge of IPR, increase awareness of SMEs about IPR and encourage the legalisation of IPR on SMEs products.

The Yogyakarta City Government has also sought to educate the SMEs community regarding IPR. Many benefits can be obtained from the management of IPR by SMEs. For example, exclusive rights increase the product brand. Because the trademark or patent registered is only owned by the business actor concerned. Exclusive rights obtained from IPR registration are very valuable assets. SMEs companies should understand the benefits of the IPR system for the development of their business. This IPR has a significant effect on business development.

Legal protection for SMEs creative products must be done massively in line with the potential. The hope is that through a variety of informative socialisation from various ministries and related agencies, creative industries and SMEs can better understand the importance of legal protection for goods, services, art, or other forms of discovery so that there are no claims by those who not responsible.

In addition, awareness and insight into IPR will lead to motivation and encouragement for the SMEs in the city of Yogyakarta to be more enthusiastic in innovating. As well as having the awareness that what has been produced is intellectual property that must be given legal protection.

The Government of the Special Region of Yogyakarta has a program related to increasing awareness of SMEs towards IPR. That is by providing facilitation for IPR registration for SMEs. Every year there is a free facilitation program for registering IPR for SMEs by fulfilling certain conditions. This program, besides aiming to provide legal protection for SME products, is also a driver for SMEs to be more concerned about the importance of IPR as a protection against the threat of counterfeiting and imitation from other regions and from other countries. In addition, with IPR, SMEs can also expand their marketing without fear of being copied by other parties.

Yogyakarta currently has regulations regarding IPR that are intended for SMEs. Namely by the existence of Governor Regulation Number 21 of 2017 concerning the Use of the Jogja Brand, 100% Jogja and Jogja tradition as regional product co-branding.

The three-co-branding logos have different specifications. The Jogja logo for products or services made from outside, but the production process is in Yogyakarta. Jogja's 100% logo specifically for products and services whose ingredients and processing are from Yogya, for example, batik. While Jogja Tradition for cultural creations that are not objects, such as dances, 'keris,' and 'blangkon'. Use of IPR-based co-branding is an effort to protect the intellectual property aspects of the product SMEs from Yogyakarta.

It is progressively certain that administration foundations, so as to be fruitful in their exercises for advancing a more extensive and increasingly successful utilisation of the IP framework by SMEs must look to target the business visionaries themselves as well as their business counselors, regardless of whether they be private division advisors or representatives of offices of trade and industry or speculators and workers of monetary establishments who are bound to be tuned in to by the business visionary and directors or proprietors of SMEs (Sukarmijana and Saponga, 2013).

Based on the description, it can be analyzed that in the Special Region of Yogyakarta, where the level of awareness of SMEs about IPR is still deficient, it requires a joint role between ministries, regional governments, and related agencies to seek the establishment of IPR awareness for SMEs through various programs including IPR socialization, IPR assistance, IPR schools and IPR facilitation. In addition, from the regulatory side, the governor's regulation on IPR has also been made through the use of branding co. for local products from Yogyakarta.

The Economic Value of IPR in Creative SMEs

Small and Medium Enterprises (SMEs) have a key job in national monetary improvement. Other than assuming a job in monetary development and business, SMEs additionally assume a job in the appropriation of advancement results. SMEs are relied upon to have the option to use national assets, remembering the use of work for understanding the interests of the individuals and accomplish maximum financial development.

SMEs have shown their role in creating employment opportunities and as a source that is important for the growth of Gross Domestic Product (GDP). The existence of small business also makes a high contribution to the country's economic growth in the trade, industrial, and transportation sectors. This particular sector has quite an essential role in the country's

foreign revenues through clothing businesses (garment), handicraft items, not to mention furniture, crafts, as well as services for tourists.

Protected innovation (IP) is the term used to allude to the yield of an inventive procedure. At the point when the United States government perceives the responsibility for property, it awards explicit rights that will be secured under the country's laws. There are three such sorts of licensed innovation security basic among retail firms, which are known as copyrights, trademarks, and licenses (Pankaj and Pearce, 2018).

The expenses of getting IP security might be seen by numerous SMEs as surpassing the potential advantages to be acquired from assurance, especially thinking about this as a critical piece of expenses might be caused before the item has arrived at the market and that loan specialists, speculators or government programs once in a while offer money related to help for the insurance of IP rights (Idris, 2003).

IPR is an integral part of SMEs, this is because most SMEs are creative industries that produce creative and innovative products which are the result of intellectual work. Therefore, any creation of intellectual work by these SMEs should be followed by protection of these creative products from any violations of the law, whether by using, imitating or other acts that are not permitted by law.

Therefore, in the Yogyakarta region which consists of four regencies and one municipality, almost all relevant institutions and agencies that manage SMEs provide special programs related to IPR for SMEs, in the form of socialisation, mentoring, IPR schools and facilities for IPR registration for SMEs. Especially for SMEs it is granted relief in terms of financing the registration of IPR, which is only paying half of the costs of registering IPR by showing a certificate of UKM issued by the local Office of Industry and Trade.

In the latest data in 2018 from the Center for the Management of Intellectual Property at the Department of Industry and Trade of the Special Province of Yogyakarta, the achievements of submitting IPR applications in the last three years have increased, as presented in Table 1 below.

Table 1: Number of IPR registration by SMEs

Year	Number of IPR registration by SMEs	SMEs Trademarks	SMEs Service Brands
2016	42	42	3
2017	183	677	177
2018	183	11	8

Source: Department of Industry and Trade

Figure 1. Number of IPR registration by SMEs

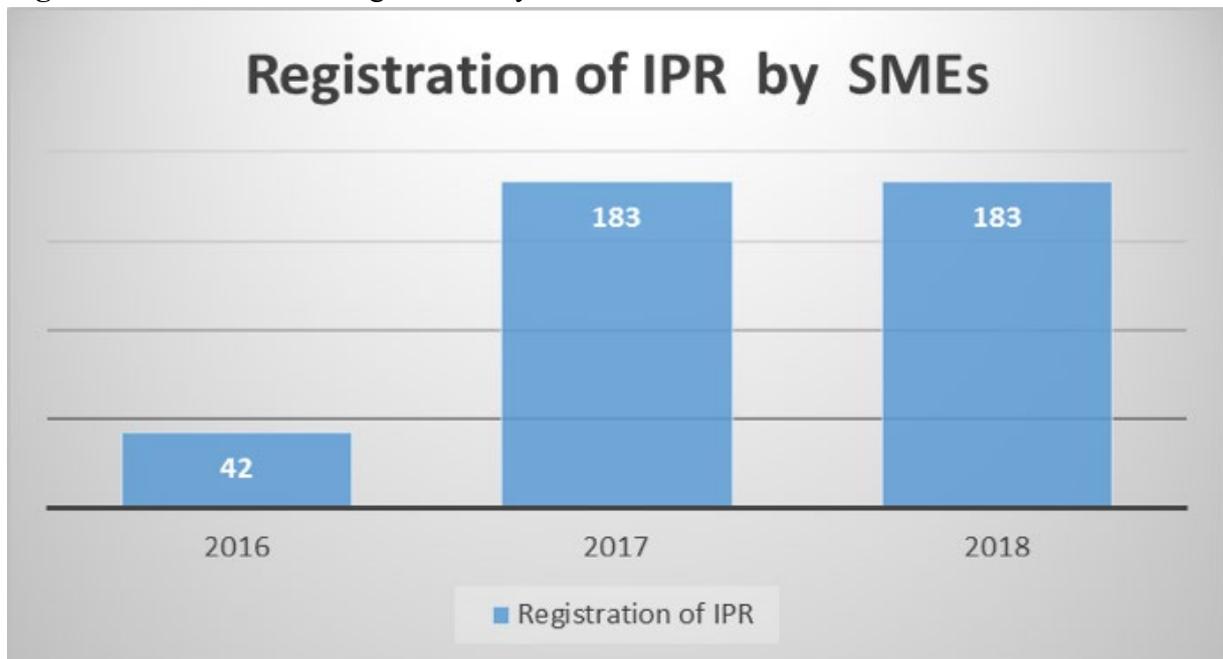
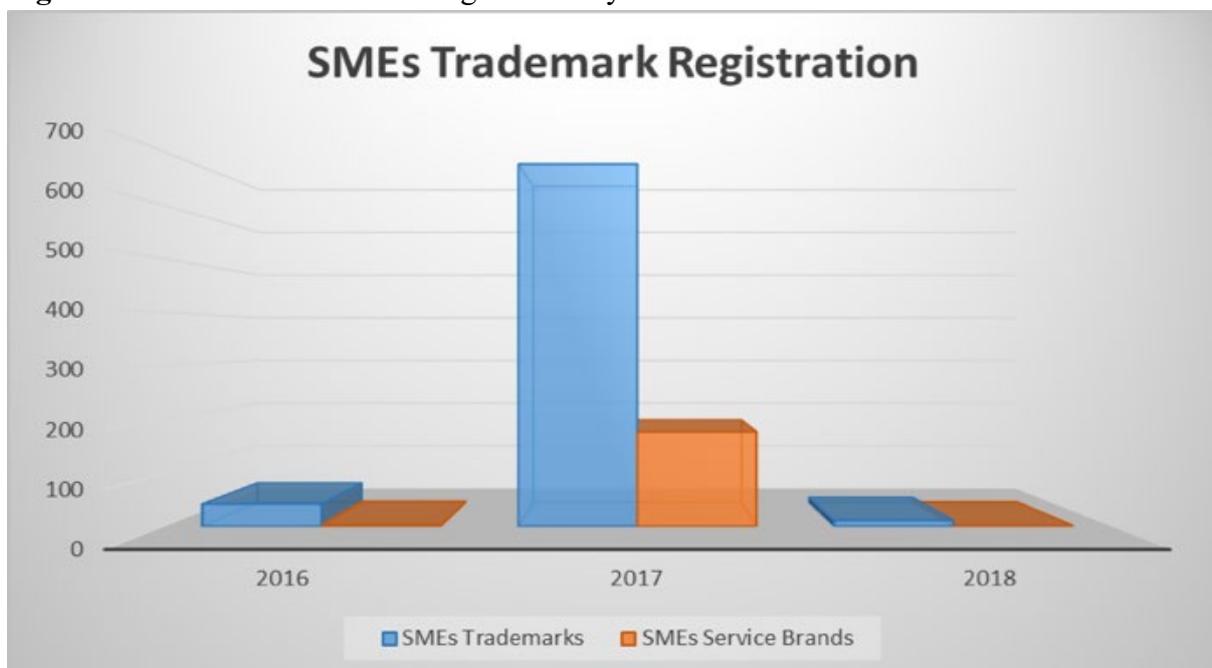


Figure 2. Number of Trademark registration by SMEs



This shows that over the past few years a number of programs from relevant institutions on IPR have been carried out with the aim of providing an understanding of IPR to SMEs, showing the impact of the increasing number of IPR registrations conducted by SMEs in Yogyakarta.

In Yogyakarta, the submission of IPR registration by SMEs was dominated more by filing trademarks. This is because a trademark is something that is very close to the character of an item, both a specific product and has its own quality of the characteristics of an SME product. The brand also as one of the works of human intellectuals who have an essential role in which in this case MSMEs as a brand populist economic activity is vital in economic development, the role of brands is very important (Selvie, 2006).

From the data available at the Department of Industry and Trade, currently, the trademark registration of SME brands has increased. The following will be presented in Table 1. From the aforementioned data that in the last five years from 2014 to 2018, the total applications included in the list of SMEs who submitted applications for trademark registration in Yogyakarta was 768 SME Trademarks.

Seeing the number of SMEs in Yogyakarta up to December 2016 was 238,619 UMKM units with a total increase from 2014-2016 totaling 17,916 SMEs Units. And MSMEs per year 2014 up to 2018 or in the last 5 years within SMEs that submitted Application for Registration of trademarks in Yogyakarta, namely a number of 768 SMEs Trademarks, in other words by linking the data of SMEs accruals for 2014-2016 and the number of SMEs Application Registrations, SMEs Percentage that indicated 4.28% [or 768 (Number of SMEs Application Applicants) divided by 17,916 (SMEs increment amount) times 100%]. Of the data, the most are in the registration of Trademarks for SMEs. The data also explains that there are many MSMEs in Yogyakarta that still have not registered their Trademarks.

Awareness of IPR by SMEs is still very low, which causes the potential for violations of IPR from products produced by SMEs so that the economic rights that SMEs should have over intellectual work are lost. So that it will undoubtedly cause a loss of the economic value of an SME product.

With the many offences of the products and innovations produced by SMEs, of course, it will greatly hinder the increase in economic income of an economy, therefore from this discussion, the relationship between IPR and the economic aspects by SMEs is very closely related and very influential between both.

With the protection of IPR, of course, the use of IPR-protected products by other parties will provide economic benefits with a compensation agreement or other benefit-sharing agreement between IPR owners and those who use the IPR.

The noteworthiness of these arrangements lies in the broadly acknowledged reason that the impacts of IPRs differ as indicated by nations' degrees of modern, mechanical and financial improvement. When all is said and done, the requirement for and the advantages of more

grounded IPRs ascend with wages and innovative advancement (Lall, 2003). To quote the World Bank's Global Economic Prospects (2001): "Because the overwhelming majority of intellectual property ... is created in the industrialized countries."

There are motivations to accept that the authorization of IPRs positively affects development possibilities. On the local level, development is prodded by higher paces of advancement—in spite of the fact that this outcome will in general be sensibly unimportant until nations move into the center level of pay. In any case, over the scope of salary levels, IPRs are related with progressively noteworthy exchange and outside direct venture (FDI) streams, which thus convert into quicker paces of monetary development. The most suitable degree of IPRs authorisation, accordingly, shifts by salary level (World Bank (2001), p.129). Economies without cutting edge mechanical capacities may, by fortifying IPRs, animate worldwide advancement by adding to adequate interest for new items (UNDP, 2001). Upholding IPR helps send out chances to cutting edge economies (Auriol, Biancini, and Paillacar, 2019).

Conclusion

This paper contributes to the understanding of the forces that encourage the use of IPR on products and services in the context of SMEs in creative sector. This study concludes that the economic value from IPR is evident in those SMEs. With a strong campaign of IPR that is done massively and comprehensively by related institutions such as the Department of Industry and Trade in various districts and Special Province of Yogyakarta, indeed, it will add a good understanding of IPR for SMEs. With a good understanding of IPR, it is expected that the awareness to protect products and innovations from SMEs will also increase, and ultimately will have a positive economic impact on SMEs on their products protected by IPR.

In this case, it is evident that the role of the government to carry out activities and programs is hugely influential. By providing facilities and offering free IPR registration for SMEs, it shows a significant increase in the number of legally protected product and service innovations. Indeed, more intensive efforts remain necessary, particularly by involving various stakeholders to build more understanding and knowledge about IPR in other industries and sectors. The close and direct involvement from universities as well as local communities is also expected to increase the awareness and understanding of IPR.

Lastly, the authors acknowledge that this study will probably not satisfy generalisability of the results and findings. Rather, this study aspires to elaborate a more focus and detailed investigation at a national level of a particular developing country. However, this study can hopefully inspire a wider audience on the topic.



Author Contributions

Conceptualization: 1
Data curation: 1 & 2
Formal analysis: 3
Investigation: 1
Methodology: 2
Project administration: 3
Supervision: 3
Validation: 2
Visualization: 3
Writing – original draft: 1
Writing – review & editing: 1

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