



Legal Protection for Industrial Design Right Holders Regarding Similarity of Industrial Design Products (Study of Decision No. 583 K/Pdt.Sus-2021)

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ABSTRACT

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Devi Octaviani, "Legal Protection for Industrial Design Rights Holders for the Similarities of Industrial Design Products." Legal Study Program, Faculty of Psychology, Law and Social Sciences, Muhammadiyah University Purworejo, 2026. This research aims to analyze the form of legal protection for industrial design rights holders in Indonesia based on Law Number 31 of 2000 concerning Industrial Design and examine the judge's considerations in Decision Number 583 K/Pdt.Sus-HKI/2021 regarding the application of the principle of novelty. Industrial Design as part of Intellectual Property Rights has an important role in the business world because it provides aesthetic value and competitiveness of a product. Therefore, legal protection for industrial designs is essential to guarantee legal certainty and justice for rights holders. The type of research used is normative juridical research with a statutory approach and a case approach. The research results show that legal protection for industrial design rights holders is provided through a constitutive registration system (first to file), which includes preventive and repressive protection. Preventive protection is realized through registration of industrial designs at the Directorate General of Intellectual Property, while repressive protection is provided through a lawsuit mechanism at the Commercial Court if a violation occurs. In Decision Number 583/Pdt.Sus-HKI/2021, the Supreme Court canceled the Defendant's industrial design because it did not meet the element of novelty as regulated in Article 2 of Law Number 31 of 2000. The panel of judges considered that the registered design had been previously disclosed and used by another party before the date of receipt of the application, so it was not worthy of legal protection. This decision confirms that the principle of novelty is an absolute requirement for granting industrial design rights and is the main basis for resolving industrial design disputes in Indonesia.

1. INTRODUCTION

Intellectual Property Rights (IPR) are rights granted by the State to works arising from human creativity, imagination, and ingenuity that are protected by law. (Filianky & Hadi, 2021) These rights aim to protect the interests of the creator or owner of a work from unauthorized use or plagiarism by other parties. An industrial design is a creation concerning the shape, configuration, or composition of lines or colors, or lines and colors, or a combination thereof, in three-dimensional or two-dimensional form that conveys an aesthetic impression and can be realized in three-dimensional or two-dimensional patterns, and can be used to produce a product, article, industrial commodity, or handicraft. (Sinaga, 2021).

An industrial design must possess the element of novelty and must not conflict with public order or morality. The industrial design protection system explicitly requires only “novelty” without the requirement of “originality” as stated in Article 2, Paragraph 1 of Law No. 31 of 2000 on Industrial Design (hereinafter referred to as the Industrial Design Law), which states that “industrial design rights are granted for new industrial designs.” Paragraph 2 explains that “an industrial design is considered new if, on the date of receipt of the industrial design application, it is not identical to any prior disclosure.” (Sirait, 2021) Although novelty is a mandatory requirement for an industrial design to obtain legal protection—meaning the design must differ from existing ones—in practice, similarities between products can still occur. This is especially true in an environment where increasingly sophisticated production equipment and free trade strongly encourage product similarity. In practice, it is not uncommon to find overlapping industrial designs where applications have been accepted. In practice, such overlaps are caused by the interpretation of “novelty,” which sometimes leads to lengthy debates between the authorities issuing industrial design certificates and the designers filing applications, and even at the court level, the interpretation of “novelty” becomes a point of contention. (Tampubolon et al., 2021) The legal basis for industrial design protection is established in Law No. 31 of 2000 on Industrial Designs and Government Regulation No. 1 of 2005 on the Implementation of Law No. 31 of 2000. Based on Article 1, Paragraph 5 of Law No. 31 of 2000 on Industrial Designs, it can be concluded that the right to an industrial design is a special right granted by the state to its owner.

Through a study of Supreme Court Decision No. 583 K/Pdt.Sus-HKI/2021, it can be understood that the enforcement of the principle of novelty in industrial design is of paramount importance as an absolute requirement for obtaining legal protection. Furthermore, this analysis aims to examine the extent to which courts can provide effective legal protection to legitimate rights holders and how the

national legal system responds to the increasingly complex issue of design product similarity. This study aims to examine in greater depth the forms of legal protection available to industrial design right holders who have been harmed by design product similarity, with reference to Supreme Court Decision No. 583 K/Pdt.Sus-HKI/2021.

2. RESEARCH METHOD

A normative legal research method was employed using secondary data comprising primary legal materials, secondary legal materials, and tertiary legal materials. A literature review was conducted to explain and relate to the issues under examination. Both primary and secondary legal materials were systematically analyzed and linked to present them in a more structured manner within the research, thereby addressing the research questions.

3. RESULT AND DISCUSSION

3.1 Industrial Design (Intellectual Property Rights)

Industrial design is a form of intellectual property that protects creations involving the shape, configuration, or composition of lines and colors that possess aesthetic value and can be applied to an industrial product or handicraft. Industrial design is essentially the visual form of a product that gives it a distinctive character and unique appeal.

In this context, industrial design emphasizes creativity, aesthetic value, and economic value, which play a crucial role in enhancing a product's competitiveness in the market. The protection of industrial designs aims to provide legal certainty for designers regarding their creations while fostering innovation and healthy business competition. Industrial design protection within the intellectual property legal system is intended to foster increased innovation and creativity by providing economic incentives to designers to develop better products. Strong industrial design protection will lead to greater creativity and innovation, resulting in higher-quality products. (Putri, 2022)

Industrial Design Owner After registering their design with the DJKI, the owner will obtain exclusive rights, namely the right to protection for the work they own. The holder of an industrial design right is the party for whom and/or in whose service the industrial design was created, unless otherwise agreed; and industrial design protection follows a constitutive system based on the "first-to-file principle." Consequently, if an industrial design is not registered, it will not receive legal protection. (Nugraha, 2022)

The granting of these exclusive rights aims to protect the legal interests of the designer regarding the industrial design they have created, preventing its misuse by others without permission. The right to an industrial design, as stipulated in Article 1, Paragraph (5) of Law No. 31 of 2000 on Industrial Designs,

is “the exclusive right granted by the Republic of Indonesia to the designer over their creative work for a specific period to exploit it themselves, or to grant permission to others to exploit such rights.” (Febriana, 2020) The right to an industrial design does not arise immediately upon completion of the design; rather, the state grants these rights after a registration application is filed with the Ministry of Law and Human Rights through the Directorate General of Intellectual Property, and the requirements outlined by law have been met.

3.2 PT Total Asri Sumber Alam vs. PT Aneka Boga Citra

This dispute began when PT Total Asri Sumber Alam, a business entity engaged in the production and marketing of various ginger beverages, discovered that another party had registered an industrial design for the packaging of red ginger drink. The registration was filed by PT Aneka Boga Citra under registration number IDD000040082, submitted on March 12, 2014, claiming protection for the composition of lines and the composition of colors.

PT Total Asri Sumber Alam objects to this registration because the ginger drink packaging design registered by PT Aneka Boga Citra had, in fact, already been used by PT Total Asri Sumber Alam since around 2009, even though at that time the design had not yet been registered as an industrial design with the Indonesian Industrial Design Office (DJKI). Furthermore, the industrial design of the ginger drink packaging owned by PT Aneka Boga Citra is deemed to have an aesthetic impression similar to the ginger drink packaging design that had already been produced, marketed, and publicized to the Indonesian public by PT Total Asri Sumber Alam since 2009. Based on these objections, PT Total Asri Sumber Alam argued that the industrial design registration filed by PT Aneka Boga Citra violated applicable legal provisions. Therefore, PT Total Asri Sumber Alam filed a lawsuit with the Commercial Court seeking the annulment of the said industrial design registration. At the first instance, the Central Jakarta Commercial Court, through Decision No. 43/Pdt.Sus-Industrial Design/2020/PN.Niaga.Jkt.Pst., dismissed the Plaintiff’s lawsuit. Dissatisfied with the decision, the Plaintiff filed an appeal with the Supreme Court on the grounds of an error in the application of the law by the trial court.

In the cassation stage, the Supreme Court re-examined the application of the law regarding the principle of novelty in industrial design as well as the conformity of the previous court’s decision with statutory provisions.

- Granting the appeal petition of the Appellant, PT TOTAL ASRI SUMBER ALAM;
- Overturning the Commercial Court Decision of the Central Jakarta District Court No. 43/Pdt.Sus-Industrial Design/2020/PN Niaga Jkt.Pst., dated January 26, 2021;

Regarding the Exception:

- Dismisses the Defendant's motion to dismiss in its entirety;
On the Merits:
 1. Granting the Plaintiff's claim in part;
 2. Declaring that Industrial Design Registration No. IDD00004082, filed on March 12, 2014, titled "PACKAGING" issued on June 19, 2015 in the name of the Defendant is not a new Industrial Design because it had been announced, used, and marketed in Indonesia since 2009, long before the Defendant filed the application for registration;
 3. To cancel or, at the very least, declare the registration of Industrial Design No. IDD00004082 titled "PACKAGING," issued on June 19, 2015, in the name of the Defendant, null and void with all legal consequences.
 4. Order the Directorate General of Intellectual Property, in this case the Director of Copyright and Industrial Designs, to record and announce the cancellation of the registration of Industrial Design No. IDD00004082 titled "PACKAGING" agno: A00201400658, application date March 12, 2014, in the name of the Defendant, along with all legal consequences;
 5. Dismisses the Plaintiff's claim in all other respects:
Orders the Respondent in the Cassation Appeal/Defendant to pay the court costs at all levels of the court, which at the cassation level amount to Rp5,000,000.00(five million rupiah) (Supreme Court Decision No. 583 K/Pdt.Sus-HKI/2021, PT Total Asri Sumber Alam v. PT Aneka Boga Citra, 2021)

This case underscores the importance of the "first to file" principle in Indonesia's industrial design protection system, while also demonstrating that the assessment of design similarity and novelty is a crucial aspect in industrial design disputes.

The legal protection provided to designers consists of preventive protection and repressive protection. Preventive legal protection is a form of protection aimed at taking preventive actions against potential infringements or disputes. (Wijanarko & Pribadi, 2022) This protection is realized through the registration of industrial designs, enabling the owner to obtain an industrial design certificate as proof of their valid rights. With this certificate, the industrial design owner gains legal certainty and protection. As a form of preventive protection, it prevents others from using or imitating the same industrial design, thereby avoiding future disputes.

Repressive legal protection is the final form of protection consisting of sanctions such as fines, imprisonment, and additional penalties imposed if a dispute has already occurred or an infringement has been committed. (Dalam & Elektronik, 2022) In the context of industrial design, an industrial design owner who has obtained an industrial design certificate is entitled to repressive protection if the design is imitated or misused by another party. With this

certificate, the industrial design owner holds a strong and protected legal standing before the Commercial Court. The provision of legal protection for designers or creators is a logical consequence because they have exercised their intellectual capacity to create innovative ideas; therefore, they should be granted exclusive rights to enjoy the fruits of their labor as compensation. (Ashiddiq, 2021)

However, in Decision No. 583 K/Pdt.Sus-HKI/2021, this preventive protection was deemed ineffective because, even though the industrial design had been registered, design similarities still occurred, leading to disputes; thus, repressive legal protection through litigation in court is necessary to resolve existing violations of industrial design rights.

In addition to these two forms of legal protection, designers also have other legal protections stipulated in Law No. 31 of 2000, Article 2, which states:

- (1) Industrial Design Rights are granted for new Industrial Designs. This means that only the owner of an industrial design who registers their design first is entitled to protection. An owner of an industrial design who registers the same design at a later date does not receive legal protection. This provision is relevant in Judgment No. 583/Pdt.Sus-HKI/2021, as the dispute involved the registration of an industrial design that was similar to another party's industrial design; consequently, the court assessed the fulfillment of the novelty requirement as stipulated in Article 2 of Law No. 31 of 2000 as the basis for determining whether to grant or deny legal protection for the disputed industrial design.
- (2) An industrial design is considered novel if, as of the Filing Date, it is not identical to any prior disclosure. This means that the registered industrial design must genuinely possess the element of novelty, meaning there are clear and identifiable differences when compared to other designs that already exist or have been previously disclosed. The provisions regarding the novelty requirement formed the basis of the judges' consideration in Decision No. 583 K/Pdt.Sus-HKI/2021, in which the panel of judges found similarities in the elements of the disputed industrial design disputed, so that the industrial design applied for cannot be considered to possess the novelty required by law and is therefore not eligible for legal protection as an industrial design.
- (3) Prior disclosure, as referred to in paragraph (2), means the disclosure of an Industrial Design that, prior to: a. the filing date; or b. the priority date if the Application is filed with a Priority Claim; c. has been published or used in Indonesia or outside Indonesia. (Law of the Republic of Indonesia No. 31 of 2000 on Industrial Designs. Jakarta, December 20, 2000. President of the Republic of Indonesia, Abdurrahman Wahid, 2000) In Decision No. 583 K/Pdt.Sus-HKI/2021, the assessment of the novelty requirement was

also linked to the filing date of the industrial design application, where the panel of judges considered that prior to that filing date, there had been disclosures and uses of designs with similarities, so that the contested industrial design registration did not meet the novelty requirement and was not entitled to legal protection.

3.3 Judicial Rationale

In rendering the decision in Case No. 583 K/Pdt.Sus-HKI/2021, the Panel of Judges certainly had legal considerations legal. These legal considerations will be analyzed by the author in relation to the principle of novelty. The relevant considerations of the Panel of Judges that align with the principle of novelty include the following: Consideration 1: That the "PACKAGING" for red ginger, which is identical to the Defendant's Industrial Design "PACKAGING" listed under IDD000040082 with an application date of March 12, 2014, had apparently been disclosed as early as 2009.

Author's Analysis: In the Author's view, the court's finding that the industrial design in the form of red ginger packaging had been disclosed as early as around 2009 indicates that the design does not meet the principle of novelty (Novelty). The disclosure that occurred prior to the filing date of Industrial Design No. ID000040082 on March 12, 2014, means that the design can no longer be categorized as a new design. Therefore, the Author assesses that the judge's reasoning was appropriate and consistent with industrial design law, as legal protection is only granted to designs that meet the novelty requirement as of the filing date.

Consideration 2: That based on the said Industrial Design certificate, the Defendant has sought to sue the Plaintiff for an for infringement of industrial design rights in Case No. 63/Pdt.Sus-Des.Industri/2018/PN Niaga Jkt.Pst.; consequently, the Plaintiff is entitled under the law to file for the cancellation of the Industrial Design as provided for in Article 38 of Law No. 31 of 2000 on Industrial Designs.

Author's Analysis: The author agrees with the judge's reasoning that the Plaintiff is entitled to file a lawsuit for the invalidation of the industrial design. This is because the Defendant has used the industrial design certificate as the basis for suing the Plaintiff for alleged infringement of industrial design rights. Therefore, in accordance with the provisions of Article 38 of Law No. 31 of 2000 on Industrial Designs, the Plaintiff, as an interested party, has the legal right to file for the invalidation of the industrial design registered by the Defendant.

Consideration 3: That when the Plaintiff's product packaging is compared with the Defendant's product packaging, it will be clearly evident that the Defendant's product packaging, when viewed in terms of shape, configuration, or the composition of lines or colors, or lines and colors, or a combination thereof

in three-dimensional or two-dimensional form, the Defendant's product packaging design is not novel because all elements of the Plaintiff's product packaging design are present in the Defendant's product packaging, both in terms of the color composition—which is a combination of yellow, orange, and red—and the configuration of the placement of the cup and ginseng images, whose positions are identical, namely on the lower right side of the packaging, exactly matching the position on the Plaintiff's product packaging. Likewise, the placement of the ginseng silhouette at the top of the packaging is also present on the Plaintiff's product packaging in the same position;

Author's Analysis: The author agrees with the judge's reasoning that the defendant's product packaging design does not meet the requirement of novelty. The similarities in color composition, configuration, and the placement and positioning of design elements—such as the images of a cup and ginseng—indicate that the defendant's packaging design is substantially similar to the plaintiff's packaging design. Since all the main elements of the Plaintiff's packaging design are also present in the Defendant's packaging design, it can be concluded that the design is not a new design and therefore is not eligible for industrial design protection.

4. CONCLUSION

The legal protection for holders of industrial design rights in Indonesia is regulated under Law No. 31 of 2000 on Industrial Design. Such protection is granted through a constitutive registration system, meaning that industrial design rights arise only after the design is registered with the Directorate General of Intellectual Property. The legal protection provided includes preventive protection through industrial design registration to ensure legal certainty, as well as repressive protection through enforcement mechanisms in the Commercial Court in the event of an infringement of industrial design rights.

The legal considerations of the Panel of Judges in Decision No. 583 K/Pdt.Sus-HKI/2021 indicate that the principle of novelty is an absolute requirement for the grant of industrial design protection. The Supreme Court ruled that the industrial design for red ginger drink packaging registered by the Defendant did not meet the novelty requirement because it had been used and published previously by the Plaintiff prior to the filing date of the registration application. Therefore, the registration of the industrial design was declared invalid or revoked. This decision reaffirms that the registration of an industrial design does not automatically confer legal protection if the registered design does not meet the novelty requirement as stipulated in Article 2 of Law No. 31 of 2000 on Industrial Designs.

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