



## Legal Protection for Product Packaging Designers in Indonesia

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### **Abstract**

The development of industrial design in Indonesia is continuing along with the growth of the creative industry in this country, and the role of industrial designers is becoming increasingly important. The Indonesian government has made industrial design regulations concerning industrial design in Law Number 31 of 2000. This research examines and analyzes legal protection for product packaging designers and solutions if there is a violation of industrial design rights for product packaging according to Law No. 31 of 2000 concerning Industrial Design. This type of research is normative legal research because it will analyze, interpret and evaluate industrial design law in Indonesia and its implementing legal regulations. Research results regarding legal protection for product packaging designers according to Law no. 31 of 2000 concerning Industrial Design, the author concludes that Legal protection for product packaging designers according to Law no. 31 of 2000 concerning Industrial Design states that product packaging designers have exclusive rights to their product packaging designs which Law protects for ten years from registration. Then, dispute resolution over product packaging industrial design violations can be carried out through several channels, including civil and criminal lawsuits through Court, as well as non-court and alternative dispute resolution.

**Keywords:** *Design; Disputes; Legal Protection; Product Packaging*

### **1. Introduction**

The development of industrial design in Indonesia is continuing along with the growth of the creative industry in this country, and the role of industrial designers is becoming increasingly important. The Indonesian government has made industrial design regulations concerning industrial design in Law Number 31 of 2000. Moreover, the industrial design protection system is supported by international conventions so that individuals and countries can obtain protection for industrial property rights in various countries. As in South Korea, the legal protection of industrial design is regulated in K-design, formulating a national design identity " K-design DNA " by collecting examples from traditional architecture, furniture, ceramics, fashion design, to modern designs from electronics, automotive, furniture, Packaging, and design materials (Agtarina & Khairani, 2018). This Law provides exclusive rights protection to owners of industrial designs and regulates legal actions that can be taken if rights are violated.

Meanwhile, in the United States, legal protection for industrial designs is regulated by the Copyright Act, which protects intellectual works such as industrial designs (Dwiatin, 2016). Likewise, the Industrial Designs Act in Singapore is known as the Registered Designs Act Singapore. Industrial design in Singapore is defined as characteristics of shape, configuration, color, pattern or ornamentation applied to non-physical goods or products that give them a unique identity. In Indonesia, Law No. 31 of 2000 also regulates various aspects related to the protection of industrial designs, including the rights owner, the protection's validity period, and the design owner's rights. Industrial design protection in Indonesia aims to incentivize designers to create products with unique design elements and protect design owners' rights from unauthorized use or reproduction without permission (Labetubun, 2011).

Several lawsuit cases regarding industrial designs from 2016 to 2020 could be used as analysis to improve the system for granting industrial design rights. The first case is a packaging box owned by Ruben Onsu that resembles Benny Sujono's industrial packaging box design. Industrial packaging design owned by PT. Ayam Geprek Benny Sujono has been registered in the General Register of Brands with the Director of Brands with Number IDM000643531, dated May 24, 2019, to protect products in class 43. Based on this, the panel of judges numbered 16 /PDT.SUS-DESAIN INDUSTRI/2020/PN NIAGA.JKT. PST decided to cancel the Right to Food Packaging Box Industrial Design in the name of Ruben Samuel Onsu, with registration number IDD000049596 dated July 20, 2018.

This is different in the second case, wherein the industrial design of the Biolife bottle by Tupperware in 2017, a household appliance manufacturer from the United States, Tupperware, sued the Biolife branded bottle because it had similarities with its household product called ' Eco Bottle. ' The similarity lies in the screw configuration of the cover, the symmetrical curve of the four corners from the perspective of the top of the bottle, and the circular configuration pattern in the middle. The ' Eco Bottle ' design has been registered with the Director General of Intellectual Property with Registration Number ID 0024 152-D. Due to this, Tupperware sued the Biolife manufacturer at the Semarang District Court. Hoping to win the lawsuit, Tupperware had to accept the bitter reality instead. The Semarang District Court rejected the lawsuit with number 02/Pdt.Sus-HAKI/2016/PN Niaga Smg and Decision No. 11/HKI/Industrial Design/2016/PN Niaga Sby. as well as Supreme Court Decision Number 235 PK/Pdt.Sus.HKI/2018 is the basis for a premature lawsuit. The lawsuit was found to be incorrectly addressed and incomplete.

The third case is PT Batik Keris Indonesia with Wenny Sulistiowati in 2016, where this case shows how industrial design rights in Indonesia are granted based on the first-to-file principle. Wenny Sulistiowati has registered industrial design rights to the Batik Keris bag design, but PT Batik Keris Indonesia claims that the bag design has been used previously. The judge rejected PT Batik Keris' claim and decided that Wenny Sulistiowati was the legal holder of industrial design rights. Thus, PT Batik Keris cannot respond to the decision regarding their bag design case by filing a lawsuit for judicial review (PK) to the Supreme Court (MA) and cassation to the Supreme Court, as well as a civil lawsuit against Wenny Sulistiowati, because the bag design designed by Wenny Sulistiowati has been registered and received an Industrial Design certificate with Number IDD0000035061 on September 4, 2012. Based on case data in the community, this article examines and analyzes legal protection for product packaging designers and solutions if there is a violation of industrial design rights for product packaging according to Law No. 31 of 2000 concerning Industrial Design

## **2. Method**

This type of research is normative legal research because it will analyze, interpret and evaluate industrial design law in Indonesia and its implementing legal regulations. The approaches used to analyze this research are the statutory and comparative legal approaches.

### 3. Results and Discussion

#### 3.1 Legal Protection for Product Packaging Designers According to Law Number 32 of 2000 Concerning Industrial Design

Regulations regarding legal protection for product packaging designers are provided through a first-to-file registration system. The provisions of Article 17 of Law no. 31 of 2000 state that industrial product designs receive legal protection whose provisions are regulated by Government Regulations. In Article 1 number 1 of Law no. 31 of 2000, industrial design is defined as the creation of shape, configuration, or composition of lines or colors, or a combination thereof used for industrial products (Lamretta, 2018).

Law no. 31 of 2000 concerning Industrial Design, the requirements that must be met to obtain legal protection for industrial designs are as follows: Industrial Design Title: The general name of the product in Indonesian, without including the brand or type of goods. Description: This section describes the proposed industrial design. Applicant data: contains full name, nationality, detailed address consisting of country, province, city/district, sub-district, sub-district, postal code, email and telephone number of the owner. designer data: if the data is not the same as the owner, then designer data must be included containing full name, nationality, detailed address consisting of country, province, city/regency, sub-district, sub-district, postal code, email and telephone number of the designer.

Documents that must be included in the application for industrial design registration are as follows: Industrial Design Drawings: Documents containing drawings of the proposed industrial design. Industrial Design Description: Document containing a description of the proposed industrial design. Industrial Design Ownership Statement: Document containing a statement that the applicant is the Owner of the rights to the industrial design being submitted. Power of Attorney (if submitted through a consultant): Document containing the power to represent the applicant in the industrial design registration process if submitted through a consultant. Statement of Transfer of Rights (if the applicant and Designer differ): Document that the rights to the proposed industrial design have been transferred from the Designer to the applicant if the applicant and Designer differ.

UMK Certificate (if the applicant is a micro or small business): Document containing information that the applicant is a micro or small business if the applicant falls into that category. Decree on Deed of Establishment (if the applicant is a government educational or R&D institution): Document containing the deed of establishment of a government educational or R&D institution if the applicant falls into that category (Mansyur, 2014). The proposed industrial design must meet the following requirements: Relate to an Industrial Design: The proposed industrial design must relate to a protected industrial design. Not Included in the Exclusion List: The proposed industrial design is not included in the exemption list for obtaining Industrial Design Rights.

Not Contrary to Legislative Regulations: The proposed industrial design does not conflict with statutory regulations. Thus, to obtain legal protection for industrial designs, designers must fulfill these requirements and apply for industrial design registration through the Directorate General of Intellectual Property (Nugroho & Sujadmi, 2018). The definition of authenticity of industrial design on product packaging means that a product packaging design has unique characteristics and cannot be found in other products. This authenticity can be seen in the shape, configuration or composition of lines, colors or a combination of these elements, which gives an aesthetic impression and can be realized in three-dimensional or two-dimensional patterns. Apart from that, the authenticity of the industrial design on product packaging must also meet requirements such as not conflicting with applicable laws and regulations, public order, religion or morality.

Besides functioning as the exclusive right of the industrial design right holder to exercise his rights and to prohibit other people without his consent from making, using, selling, importing, exporting and distributing related products. In the protection of industrial designs on product packaging, novelty means that the product packaging design has never been published or traded before. This novelty focuses on the absence of the same or similar previous designs. Novelty does not require creative elements that give an aesthetic impression but only requires the absence of the same or similar previous designs (Permana & Inayah, 2020).

In this case, the authenticity of industrial designs on product packaging; here are some examples of cases where industrial design protection on product packaging is required: Beverage Packaging: beverage packaging that requires industrial design protection is mineral water bottle packaging, which has a unique design and cannot be found on the product other. This design includes the colors, shapes, patterns used on the bottle packaging, logos, and labels used to differentiate the product from other products. Food Packaging: Food packaging that requires industrial design protection is snack product packaging with a unique design that cannot be found in other products. This design includes the colors, shapes, patterns used on snack product packaging, logos, and labels used to differentiate the product from other products.

Cosmetic Packaging: Cosmetic Packaging that requires industrial design protection is skincare packaging with a unique design that cannot be found in other products. This design includes the colors, shapes, and patterns used on skincare product packaging, logos, and labels to differentiate the product from others. Medicine Packaging: Medicine packaging that requires industrial design protection is medicine product packaging with a unique design that cannot be found in other products. These designs include the colors, shapes, and patterns used on drug product packaging, logos, and labels to differentiate the product from others.

Fashion Packaging: Fashion packaging that requires industrial design protection is fashion product packaging with a unique design that cannot be found on other products. This design includes the colors, shapes, and patterns used on fashion product packaging, logos, and labels to differentiate the product from other products. Electronic Packaging: Electronic Packaging that requires industrial design protection is electronic product packaging with a unique design that cannot be found in other products. These designs include the colors, shapes, and patterns used on electronic product packaging, logos, and labels to differentiate the product from others.

In each of the cases above, industrial design protection on product packaging is necessary to protect the rights to authenticity and industrial design copyright and prevent other similar or imitation products without the craftsman's consent (Prehantoro, 2019). According to the provisions of Article 10 of Law no. 31 of 2000 regulates that industrial design rights are granted based on an application. There are two types of industrial design applications, namely one Industrial Design and several Industrial Designs, which form one unit (Article 13 of Law No. 31 of 2000). Apart from that, Article 32 of Law No. 31 of 2000 also regulates "Moral Rights," which cannot be waived when transferring industrial design rights. Thus, product packaging designers have moral rights to their work that cannot be lost, even if the industrial design rights are sold or transferred to another party (Ramadhan, 2022).

Apart from that, it regulates the protection of brands and geographical indications, so product packaging designers must ensure that the brands and geographical indications used do not violate other people's property rights and are not dangerous to the public. A synthesis of legal protection for product packaging designers according to Law No. 31 of 2000 concerning Industrial Design includes legal protection through a first-to-file registration system, protection of moral rights, and protection of brands and geographical indications (Razak et al., 2021) like Article 10 in conjunction with Article 12 of Law no. 31 of 2000 concerning Industrial Design, which provides exclusive protection regarding the moral rights and economic rights of the first registrant.

Insufficient availability of facilities and infrastructure to support the implementation of the Industrial Design Law, absence of assistance, mentoring, coaching and direction from the Regional Government in implementing the Industrial Design Law, absence of inducement funds or stimulant funds or bailout funds to support implementation Industrial Design Law, there is no effort by the Regional Government to register by passing the ball on the Designer to register the industrial design by picking up the ball from the Designer, there is no effort by the Regional Government to submit regulatory proposals for the Industrial Design Legislation which fulfills a sense of social justice towards Industrial Design Legislation, public misunderstanding and indifference to the importance of protecting industrial designs and the existence of Law no. 31 of 2000 concerning Industrial Design, law enforcement factors such as legal provisions, criminal sanctions, and assistance (Rohman, 2017).

Legal Protection for Product Packaging Designers According to Law No. 31 of 2000, Industrial Design provides legal protection for product packaging designers through an industrial design protection system. This system gives designers exclusive rights over their creations, including the right to prohibit others from using, selling, importing, exporting and distributing products granted industrial design rights (Siswanto, 2017) where Industrial Design Rights are exclusive rights granted by the Republic of Indonesia to Designers for their creations or to give their consent to other parties to exercise these rights. Regulation of industrial design protection requirements. One of these requirements is that the industrial design must be new, different from previously existing disclosures, and not conflict with applicable laws and regulations, public order, religion or morality. It also regulates the protection period for industrial designs, namely ten years from the date of acceptance. Thus, product packaging designers who register their industrial designs can enjoy legal protection for ten years (Yuliasih, 2015).

According to John Locke, the theory of legal protection for industrial design and packaging products is based on property rights in *the Second Treatise of Government*. Locke divided property rights into two, namely natural rights and personal rights. Natural rights are rights God gives to use natural resources, while personal rights are rights obtained through a person's hard work and investment. In the context of legal protection for industrial designers of packaging products, Locke's theory argues that designers have property rights to their work, which is obtained through hard work and investment. This property right includes the right to use, sell, import, export, and distribute products that are granted industrial design rights (Hutahaean, 2010).

John Locke, in the theory of ownership, proposed several principles that are applied in the legal protection of industrial design that the creator/maker must be rewarded with ownership rights to the results of his work because there is an effort/process to create something, working on/making assets that are already owned by someone else can create some rights for workers, but these depend on the "work agreement" under which the labor is expended, collective property rights claims are subject to the same provisions as other claims, all of which are designed to reconcile the rights of individual creators with the claims of the broader society in general. Thus, these principles serve as the legal basis for the legal protection of industrial designs, ensuring that industrial designers have the right to protect their work and respect their efforts in creating unique and valuable industrial designs.

### 3.2 Settlement of Violations of Industrial Design Rights

Dispute Resolution Industrial Design Rights Holders or licensees can sue anyone who intentionally and without rights commits acts in the form of claims for compensation and/or termination of all actions by those attached to it. The Industrial Design Lawsuit is addressed to the Commercial Court. Temporary Court Determination Based on sufficient evidence, the party whose rights have been harmed can ask the Commercial Court judge to issue a temporary determination letter regarding: a. preventing the entry of products related to violations of Industrial Design Rights; b. storage of evidence relating to violations of Industrial Design Rights. If a temporary injunction has been implemented, the Commercial

Court immediately notifies the party that is aware of the action and allows that party to hear their statement.

Suppose a commercial court judge has issued a temporary decision letter. In that case, the commercial court judge examining the dispute must decide to change, cancel, or stay to strengthen the decision within a maximum of 30 days from the issuance of the temporary court decision letter. Suppose the Boaya Court's temporary order is canceled. In that case, the party who feels aggrieved can claim compensation from the party requesting the Court's temporary order for all losses caused by the Court's temporary decision. Criminal Charges The criminal offense of violating the right to industrial design is a complaint offense. An investigation can only be carried out if there is a complaint from the rightful person, namely, the right holder or the recipient of the right.

In Law Number 31 of 2000, the criminal threat for this crime is formulated as follows: Anyone who intentionally and without proper commits an act as referred to in Article 9 shall be punished with imprisonment for a maximum of 4 (four) years and a fine of a maximum of Rp. 300,000,000.00 (three hundred million rupiah). Any person who deliberately violates the provisions as intended in Article 8, Article 23 or Article 32 shall be imprisoned for a maximum of 1 (one) year and a fine of a maximum of Rp. 45,000,000.00 (forty-five million rupiah). Meanwhile, for investigators of criminal acts, apart from Investigators from the State Police of the Republic of Indonesia, Investigators from Civil Servants within departments whose scope of duties and responsibilities include Intellectual Property Rights are given special authority as investigators as intended in Law Number 8 of 1981 concerning Law. Criminal Procedure to conduct investigations of criminal acts in Industrial Design.

As referred to above, the investigator has the authority to: a. carry out examinations of the veracity of complaints or information relating to criminal acts in the field of Industrial Design; b. carry out examinations of parties suspected of having committed criminal acts in the field of Industrial Design; c. request information and evidence from the parties in connection with criminal acts in the field of Industrial Design; d. examine books, records and other documents relating to criminal acts in the field of Industrial Design; e. carry out inspections at certain places where it is suspected that there is evidence of bookkeeping, recording and other documents; f. confiscate materials and goods resulting from violations that can be used as evidence in criminal cases in the field of Industrial Design; and g. request expert assistance in carrying out the task of investigating criminal acts in the field of Industrial Design. In the case of Civil Servant Official Investigators, if the investigation has been completed, Civil Servant Official Investigators shall submit the results of their investigation to the Public Prosecutor through the State Police Investigator of the Republic of Indonesia, bearing in mind the provisions of Article 107 of Law Number 8 of 1981 concerning the Criminal Procedure Law.

In addition to resolving claims in the Commercial Court, parties can resolve disputes through the industrial design dispute resolution process through mediation, which consists of several steps taken by the disputing parties and the mediator. The following steps are commonly taken: Case Reporting: The disputing parties report the dispute case to the district court or the National Mediation Center (PMN). The reporting party must attach the relevant files to the authorized institution. Mediator Selection: The relevant institution processes the case to the pre-mediation phase. The parties concerned will receive direction to be willing to carry out negotiation efforts. The Court and the parties will also negotiate regarding the person whose role will be the mediator.

Mediator Discusses Mediation Procedures: The selected mediator will discuss negotiation procedures with the parties. They will discuss how the negotiation process will take place and what is expected from the final result. Mediation Settlement: Mediation is carried out through a negotiation process between the disputing parties with the help of a mediator. The final result of the negotiation process can be an agreement that satisfies the parties, or if not, then the mediation ends, and the conflict can be brought to the legal realm for further processes.

**Signing the Agreement:** If the parties are satisfied with the final results of the discussion, they will sign a joint agreement. The agreement will then go through a further process to become a more binding and valid contract in the eyes of the Law. In some cases, such as packaging box industrial design disputes, mediation can end with an agreement that satisfies the parties, such as payment of compensation and an agreement not to sell and use the product again. Evaluating novelty in industrial design in product packaging other than beverage packaging can be done by considering several aspects.

The following are several ways to evaluate novelty in industrial design on product packaging:

**Shape and Configuration Analysis:** In the context of industrial design on product packaging, shape configuration refers to how the shape and composition of lines or colors are used to create a unique and aesthetic design. Shape configurations can be three-dimensional or two-dimensional patterns that give an aesthetic impression and can be realized in a product, goods, industrial commodities, or handicrafts. Shape configurations in industrial product packaging design can include variations in shape, size and color used to create a unique and attractive design. Examples of shape configurations that can be found in industrial product packaging design are the shape of bottle caps, the shape of cellphone products, or the shape and color of packaging boxes for food products.

**Color and Line Analysis:** The colors and lines used must be unique and cannot be found in other products to be considered an element of novelty. **Analysis of Creative Elements:** Creative elements that give an aesthetic impression and cannot be found in other products can be considered as elements of novelty. **Analysis of Use in Industry:** Industrial designs must be unique and cannot be found in other products to be considered an element of novelty. **Analysis of Not Contradicting Legislation:** Industrial designs that do not conflict with applicable laws and regulations can be considered as an element of novelty. **Analysis of Not Imitated or Utilized by Other Parties:** Industrial designs not imitated or utilized by other parties can be considered an element of novelty.

Suppose the novelty element above has been fulfilled. In that case, if a violation occurs, it can be resolved through the courts using various methods, such as lawsuits for cancellation of industrial designs, requests for temporary termination (injunction) against the Commercial Court, and importation actions. The dispute resolution mechanism in protecting industrial design rights on product packaging includes several channels that can be used, namely: The Court route through the Commercial Court Decision regarding the cancellation of registration of industrial design rights is submitted to the Directorate General no later than 14 (fourteen) days after the date the decision is pronounced. Settlement of packaging product industrial design disputes through the courts in Indonesia has become an issue that has attracted attention in recent years. This dispute originates from a conflict of interest between parties related to industrial design, usually related to copyright and intellectual property rights. In some cases, these disputes can end in Court, requiring further analysis to understand the process and outcomes.

Furthermore, several cases of packaging product industrial design disputes that were resolved through court show that factors such as similarities in design, political interests and business interests can influence the outcome of the dispute. For example, in the case of a dispute over the industrial design of ginger drink packaging between PT Total Asri Sumber Alam and PT Aneka Boga Citra, this dispute was resolved through Court using a lawsuit for cancellation of the industrial design. The results of this dispute show that industrial designs that are not new cannot be protected by copyright and intellectual property rights. In resolving industrial design packaging product disputes through Court, it is essential to understand the various aspects of this dispute, such as copyright, intellectual property rights and business interests.

By understanding these aspects, relevant parties can more effectively resolve disputes and defend their rights. Packaging product industrial design disputes are resolved through the courts using various methods, such as industrial design cancellation lawsuits, requests for a temporary injunction *against* the Commercial Court, and importation actions. Interested parties can file industrial design cancellation

lawsuits for the reasons referred to the Court. Commerce. This lawsuit can be filed if the industrial design is the same as a previously existing disclosure or if the industrial design conflicts with applicable laws and regulations, public order, religion or morality.

An application for temporary termination (injunction) to the Commercial Court can be submitted by an interested party to obtain temporary protection for intellectual property rights. This application can be submitted if the interested party shows that the losses, both actual and potential, suffered are severe and provides valid evidence that the Respondent has *incriminating documents* and other evidence where available. Interested parties can take importation actions to obtain temporary protection for intellectual property rights. This action can be taken if the interested party shows that the losses, both actual and potential, suffered are severe and provides valid evidence that the Respondent has *incriminating documents* and other evidence where available.

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The non-court route includes several alternative dispute resolutions that can be carried out in a structured and orderly manner. For example, interested parties can submit written objections and their reasons to the Directorate General regarding the rejection decision. Some examples of alternative structured and orderly non-court dispute resolution are as follows: Arbitration is a dispute resolution process carried out by one or several people appointed by the parties to resolve the dispute. The arbitration process is usually carried out in a structured and orderly manner, with clear rules and procedures. Mediation is a dispute resolution process by a neutral and impartial mediator. The mediator helps the parties to reach an agreement through the negotiation process. The mediation process is usually carried out in a structured and orderly manner, with clear rules and procedures.

Negotiation is a dispute resolution process carried out directly between the parties. Negotiations are usually carried out in a structured and orderly manner, with clear rules and procedures. Conciliation is a dispute resolution process carried out directly between the parties. Conciliation is usually carried out in a structured and orderly manner, with clear rules and procedures. Expert assessment is a dispute resolution process by an expert appointed by the parties. Experts help the parties to reach an agreement through the negotiation process. The expert assessment process is usually carried out in a structured and orderly manner, with clear rules and procedures.

Alternative Dispute Resolution includes several methods that can be used to resolve disputes without going to Court. Some examples of these methods are as follows: Arbitration is a dispute resolution process by one or several people appointed by the parties to resolve the dispute. The arbitration process is usually carried out in a structured and orderly manner, with clear rules and procedures. Mediation is a dispute resolution process by a neutral and impartial mediator. The mediator helps the parties to reach an agreement through the negotiation process. The mediation process is usually carried out in a structured and orderly manner, with clear rules and procedures. Negotiation is a dispute resolution process carried out directly between the parties.

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parties to reach an agreement through the negotiation process. The expert assessment process is usually carried out in a structured and orderly manner, with clear rules and procedures.

Consultation is a personal action between a particular party, called the client, and another party, the consultant, who provides his opinion to the client to meet the client's needs and requirements. The role of the consultant in resolving disputes is not dominant; the consultant only provides (legal) opinions, as requested by the client, after which the parties themselves make decisions regarding dispute resolution. Negotiation with third parties is a dispute resolution process carried out directly between the parties and a neutral and impartial third party. The third party helps the parties reach an agreement through negotiation. The negotiation process with third parties is usually carried out in a structured and orderly manner, with clear rules and procedures.

Dispute resolution through alternative dispute resolution institutions is a process by institutions appointed by the parties to resolve disputes. Alternative dispute resolution institutions are usually structured and orderly, with clear rules and procedures. Dispute resolution mechanisms in protecting industrial design rights on product packaging include court channels, non-court channels, and alternative dispute resolution. The court route involves legal procedures for filing a commercial court lawsuit. In contrast, the non-court route involves alternative dispute resolution, which can be carried out in a structured and orderly manner.

### ***Conclusion***

Based on the background, problems and research results regarding legal protection for product packaging designers according to Law no. 31 of 2000 concerning Industrial Design, the author concludes that Legal protection for product packaging designers according to Law no. 31 of 2000 concerning Industrial Design states that product packaging designers have exclusive rights to their product packaging designs which are protected by Law for ten years from registration if the design meets the requirements of novelty, does not conflict with the Law, thus has the right to prohibit others without approval to make, use, sell, import, export and distribute these products.

Settlement of disputes regarding violations of industrial design of product packaging can be carried out through several channels, including civil and criminal lawsuits through Court and non-court and alternative dispute resolution. Court action with civil lawsuits can be carried out through the courts to obtain compensation or stop actions that violate industrial design rights. Industrial design rights holders or licensees can file a lawsuit against the party who commits the violation, and a criminal lawsuit can be filed through the courts to enforce the Law against violations of industrial design rights. Article 53 of Law Number 31 of 2000 regulates criminal provisions for parties who violate industrial design rights. The non-court Alternative Dispute Resolution (ADR) route includes negotiation, mediation, conciliation and arbitration.

This ADR can help resolve disputes without the need to go to Court. The industrial design rights holder can also carry out Alternative Dispute Resolution by submitting an objection to rejecting the industrial design application to the DJKI. DJKI will decide on the objection within 30 days and resolve the dispute through arbitration as regulated in Article 46 of Law Number 31 of 2000. Some suggestions can be given: A faster and more efficient industrial design registration system and development. Better substantive audits can be carried out by permanently increasing substantive audit capabilities. About the current appeals commission system in Indonesia, it is necessary to establish an independent body to re-examine the decision to reject an industrial design application.

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