

ABSTRACT

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THE ROLE OF LEGAL PROTECTION IN PREVENTING VIOLATIONS OF INDUSTRIAL DESIGN INTELLECTUAL PROPERTY RIGHTS

(viii + 132 pages)

As a country that has many islands, Indonesia is a country rich in artistic and cultural values. Currently, artistic and cultural values have an influence on economy where people can earn money from works of art. Therefore, Indonesia has laws that regulate the intellectual property rights of people who own works of art. Even though Indonesia has laws that regulate intellectual property rights, right now there are still violation towards industrial design. Currently, the most common violation found in industrial design is the imitation of products. There are many imitation products in the industrial design sector that have the same exact designs as products that have been registered and are protected by the law of industrial design. Based on what mentioned above, the author tries to analyze whether the current industrial design legal protection able to properly protect industrial design intellectual property rights from industrial design violation.

This writing uses empirical normative legal research methods with data collection techniques in the form of literature studies on industrial design laws in Indonesia as well as interviews with parties related to industrial design in Indonesia, namely the DJKI and HKI consultants. Data analysis will be carried out using qualitative data analysis by analyzing the legal materials investigated.

The writing results show that legal protection for industrial designs is not strong enough to protect intellectual property rights for industrial designs from industrial design violation. This can be seen from the definition of violations in industrial design law which does not mention imitation products and the sanctions that will be given to perpetrators who make imitation products. These results also strengthened by interviews that were conducted where DJKI and HKI consultant both said that the industrial design law was still too narrow so that neither DJKI nor HKI consultant could do much to overcome the rampant cases of industrial design violation in the form of imitation products that currently occurring in Indonesia.

Key words: Legal protection, industrial design, intellectual property rights, industrial design violation

Bibliografi 33 (1989-2022)