

ABSTRAK

PERLINDUNGAN HUKUM TERHADAP PENDAFTAR PERTAMA ATAS DESAIN INDUSTRI DI INDONESIA

Stefanie Calista

03051210007

(xii + 88 halaman, 6 lampiran)

Penelitian ini bertujuan untuk menganalisis tentang perlindungan pendaftar pertama atas desain industri di Indonesia berdasarkan Undang-Undang Nomor 31 Tahun 2000 tentang Desain Industri. Latar belakang penelitian ini dilatarbelakangi pentingnya perlindungan hak kekayaan intelektual (HKI) dalam mendorong pertumbuhan industri kreatif dan ekonomi nasional, terutama setelah Indonesia meratifikasi perjanjian TRIPS melalui Undang-Undang Nomor 7 Tahun 1994. Sistem first-to-file yang dianut di Indonesia menempatkan pendaftar pertama sebagai hak eksklusif, namun implemenasinya dihadapi tantangan seperti disparitas putusan pengadilan, minimnya pengetahuan pelaku usaha, dan ketiadaan proses pemeriksaan substantif dalam proses pendaftaran. Metode penelitian yang digunakan adalah metode penelitian hukum normatif dengan menganalisis Putusan Nomor 235 PK/Pdt.Sus-HKI/2018, 147 K/Pdt.Sus-HKI/2014 dan Putusan Nomor 30 PK/Pdt.Sus-HKI/2017 dengan menggunakan pendekatan perundang-undangan dan pendekatan kasus. Teknik analisis bersifat kualitatif dengan penarikan secara deduktif. Hasil Penelitian menunjukkan bahwa perlindungan hukum bagi pendaftar pertama bersifat administratif, dimana Direktorat Jenderal Kekayaan Intelektual (DJKI) hanya melakukan pemeriksaan tanpa menilai kebaruan (*novelty*) dan keaslian desain. Hal ini menyebabkan banyak muncul sengketa setelah pendaftaran dengan pengadilan berperan *ultimate checker* dalam menilai substansi kebaruan. Kendalanya terdapat seperti minimnya kesadaran dan edukasi pelaku usaha untuk melakukan pendaftaran desain, prosedur yang rumit dan berbiaya tinggi, ambigu pada frasa "tidak sama" dalam penilaian kebaruan desain. Dampak *first-to-file* yang tidak diimbangi pemeriksaan substantif, seperti pendaftaran desain itikad buruk (*bad faith*) dan disparitas putusan pengadilan. Temuan ini menunjukkan perlunya harmonisasi regulasi nasional dengan standar TRIPS, khususnya definisi "perbedaan signifikan" sebagai acuan kebaruan.

Kata Kunci: Perlindungan Hukum, Pendaftar Pertama, *First-to File*, Kebaruan

Referensi: 2 buku, 8 jurnal

ABSTRACT

LEGAL PROTECTION FOR THE FIRST APPLICANT OF INDUSTRIAL DESIGN IN INDONESIA

Stefanie Calista

03051210007

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This study aims to analyze the legal protection of the first applicant for industrial designs in Indonesia based on Law Number 31 of 2000 concerning Industrial Designs. The background of this research is the importance of intellectual property rights (IPR) protection in encouraging the growth of the creative industry and the national economy, especially after Indonesia ratified the TRIPS agreement through Law Number 7 of 1994. The first-to-file system adopted in Indonesia grants exclusive rights to the first applicant; however, its implementation faces challenges such as disparities in court decisions, limited knowledge among business actors, and the absence of substantive examination during the registration process. The research method used is normative legal research by analyzing Court Decisions Number 235 PK/Pdt.Sus-HKI/2018, 147 K/Pdt.Sus-HKI/2014, and Number 30 PK/Pdt.Sus-HKI/2017. Secondary materials include legislation, books, documents, journals, and scholarly works. Tertiary materials consist of official and reliable publications. The results show that legal protection for the first applicant is administrative in nature, where the Directorate General of Intellectual Property (DJKI) only conducts formal examinations without assessing the novelty and originality of the design. This leads to many disputes arising after registration, with the courts acting as the ultimate checker in evaluating the substance of novelty. Obstacles include limited awareness and education among business actors regarding design registration, complicated and costly procedures, and ambiguity in the phrase “not the same” in assessing design novelty. The impact of the first-to-file system without substantive examination includes bad faith design registrations and disparities in court decisions. The findings indicate the need to harmonize national regulations with TRIPS standards, particularly by adopting the definition of “significant difference” as a reference for novelty.

Keywords: Legal Protection, First Applicant, First-to-File, Novelty

References: 2 books, 8 journals