

ABSTRAK

Desain industri merupakan salah satu rezim hak kekayaan intelektual yang memberikan perlindungan terhadap tampilan estetis suatu produk melalui mekanisme pendaftaran. Dalam praktiknya, persoalan hukum dapat timbul apabila terdapat dua pihak yang memiliki desain dengan kemiripan, khususnya antara desain asing dan desain Indonesia, sementara keduanya belum pernah didaftarkan sebagai desain industri di Indonesia. Kondisi tersebut menimbulkan pertanyaan mengenai pihak yang berhak memperoleh pendaftaran desain industri berdasarkan asas *first to file*. Selain itu, muncul pula persoalan mengenai apakah diterimanya permohonan pendaftaran desain industri dari XY bertentangan dengan ketentuan Undang-Undang Nomor 31 Tahun 2000 tentang Desain Industri. Berdasarkan hal tersebut, penelitian ini mengkaji pihak yang berhak memperoleh pendaftaran desain industri apabila terdapat dua permohonan yang memiliki kemiripan serta kesesuaian diterimanya permohonan dari XY dalam sistem hukum desain industri Indonesia.

Penelitian ini merupakan penelitian hukum normatif dengan menggunakan pendekatan perundang-undangan (*statute approach*). Bahan hukum yang digunakan terdiri atas bahan hukum primer, sekunder, dan tersier yang dikumpulkan melalui studi kepustakaan. Seluruh bahan hukum dianalisis secara kualitatif dengan metode deskriptif-analitis melalui penafsiran terhadap ketentuan peraturan perundang-undangan, doktrin, dan prinsip-prinsip hukum yang berkaitan dengan desain industri.

Hasil penelitian menunjukkan bahwa pihak yang berhak memperoleh pendaftaran desain industri adalah pihak yang terlebih dahulu mengajukan permohonan dan memenuhi persyaratan yang ditentukan dalam Undang-Undang Nomor 31 Tahun 2000 tentang Desain Industri, khususnya mengenai unsur kebaruan dan persyaratan administratif lainnya. Penerapan asas *first to file* tidak hanya mempertimbangkan urutan pengajuan permohonan, tetapi juga terpenuhinya syarat substantif dalam proses pemeriksaan. Selain itu, diterimanya permohonan pendaftaran desain industri dari XY tidak bertentangan dengan Undang-Undang Nomor 31 Tahun 2000 tentang Desain Industri sepanjang memenuhi persyaratan yang berlaku serta sejalan dengan prinsip *national treatment* dalam *Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement)*, sehingga memberikan kepastian hukum bagi pemohon asing maupun pemohon Indonesia.

Kata Kunci: desain industri, *first to file*, pendaftaran desain industri, pemohon asing, kebaruan.

ABSTRACT

Industrial design is one of the intellectual property regimes that provides legal protection for the aesthetic appearance of a product through a registration system. In practice, legal issues may arise when two parties possess designs that are substantially similar, particularly where the designs originate from a foreign party and an Indonesian party, while neither design has been registered as an industrial design in Indonesia. Such circumstances raise the question of which party is entitled to obtain industrial design registration under the first-to-file principle. Furthermore, another issue concerns whether the acceptance of an industrial design registration application filed by a foreign applicant is consistent with the provisions of Law Number 31 of 2000 on Industrial Designs. Based on these issues, this study examines the party entitled to obtain industrial design registration where two applications involve similar designs, as well as the legal conformity of accepting an application submitted by a foreign applicant within the Indonesian industrial design legal system.

This study employs normative legal research using a statutory approach. The legal materials consist of primary, secondary, and tertiary legal sources collected through library research. All legal materials were analyzed qualitatively using a descriptive-analytical method by interpreting statutory provisions, legal doctrines, and legal principles related to industrial designs.

The results of this study demonstrate that the party entitled to obtain industrial design registration is the applicant who first files the application and satisfies the requirements stipulated under Law Number 31 of 2000 on Industrial Designs, particularly the requirement of novelty and other administrative requirements. The application of the first-to-file principle considers not only the chronological order in which applications are filed but also the fulfillment of substantive requirements during the examination process. Furthermore, the acceptance of an industrial design registration application submitted by a foreign applicant does not contravene Law Number 31 of 2000 on Industrial Designs, provided that the applicable legal requirements are fulfilled and that such acceptance is consistent with the national treatment principle under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement). Accordingly, this framework provides legal certainty for both foreign and Indonesian applicants.

Keywords: *industrial design, first to file principle, industrial design registration, foreign applicant, novelty.*