

ABSTRAK

Peranan perlindungan desain industri sebagai salah satu bidang Hak Kekayaan Intelektual sering diabaikan apabila dibandingkan dengan perlindungan terhadap paten, merek atau hak cipta. Di Indonesia perkembangan industri di bidang kreatif sangat banyak, namun tidak didukung dengan perlindungan hukum yang sesuai. Perlindungan hukum diberikan agar desain industri yang dihasilkan pendesain tidak ditiru atau dimanfaatkan oleh pihak lain yang tidak berhak. Penelitian ini bertujuan untuk mengetahui Perlindungan Hukum Desain Industri dan akibat hukum ditimbulkan dari putusan No. 147/K/Pdt.Sus HKI/2024 terhadap para pihak. Penelitian ini menggunakan pendekatan Yuridis Normatif, yaitu pendekatan secara yuridis karena penelitian bertitik tolak pada peraturan Desain Industri yang digunakan dalam Pelaksanaan Desain Industri terdaftar terhadap prinsip keadilan dan sejauhmana Perlindungan Hukum Desain Industri terdaftar di Indonesia. Berdasarkan hasil penelitian dan pembahasan, dapat disimpulkan bahwa hakim menolak permohonan kasasi dalam pembatalan desain industri utamanya karena pemohon Kasasi tidak mengajukan keberatan ketika desain industri didaftarkan padahal mengetahuinya. Dan akibat hukum yang diterima para pihak adalah bahwa Termohon Kasasi tetap menjadi pemegang hak desain industri, sehingga hak ekonomi dan hak moralnya tetap dapat didapatkannya selaku pemegang hak.

Kata kunci : Hak Kekayaan Intelektual, Desain Industri, Perlindungan Hak.

ABSTRACT

The role of industrial design protection as one of the fields of Intellectual Property Rights is often overlooked when compared to the protection of patents, trademarks or copyrights. In Indonesia, the development of the creative industry is very numerous, but it is not supported by appropriate legal protection. Legal protection is provided so that the industrial designs produced by designers are not imitated or used by other parties who do not have the right. This study aims to find out the Legal Protection of Industrial Design and the legal consequences arising from the decision No. 147/K/Pdt.Sus HKI/2024 against the parties. This study uses a Normative Juridical approach, which is a juridical approach because the research is based on the Industrial Design regulations used in the Implementation of Registered Industrial Designs against the principle of justice and the extent to which the Legal Protection of Industrial Designs is registered in Indonesia. Based on the results of the research and discussion, it can be concluded that the judge rejected the appeal in canceling the industrial design, mainly because the cassation applicant did not raise an objection when the industrial design was registered even though he knew it. And the legal consequence accepted by the parties is that the Cassation Respondent remains the holder of industrial design rights, so that his economic rights and moral rights can still be obtained as the right holder.

Keywords : Intellectual Property Rights, Industrial Design, Protection of Rights.