



Registration of Intellectual Property Rights for Industrial Designs in the Rattan Industry Sector in Cirebon Regency

Allnur Rohimah Natasya^{1*}, Listia Mayaharti², Sintya Hikmatyara³, Dudung Hidayat⁴, Solichin⁵

Universitas Swadaya Gunung Jati

Corresponding Author: Allnur Rohimah Natasya

allnurrohimahnatasya@gmail.com

ARTICLE INFO

Keywords: Industrial Design, Intellectual Property Rights, Rattan Industry, Registration

Received : 15 March 2025

Revised : 07 April 2025

Accepted: 09 May 2025

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ABSTRACT

The rattan industry in Cirebon Regency routinely produces rattan designs every year, but legal protection for these designs is often ignored, especially regarding industrial design registration. The purpose of this study was to examine the legal awareness of industry players in registering their designs with the DJKI. This study uses a normative legal approach based on secondary and primary data to assess the legal awareness of industry players in registering designs with the Directorate General of Intellectual Property Rights. The results of the study show that the majority of industry players have not registered their industrial designs, while registration provides legal protection against imitation and increases product competitiveness through guarantees of design exclusivity for rights holders.

INTRODUCTION

Intellectual Property Rights (IPR) are *sui generis* rights, namely special rights that should be granted by the state to certain legal subjects for the results of their intellectual creations. Legal subjects include individuals or legal entities that have produced intellectual creations that meet the criteria for IPR protection as stipulated in applicable laws and regulations. IPR comes from the results of human thought, creativity, and intellectual ability, which not only have practical uses in supporting life's needs, but also contain economic value that can be utilized. IPR protection covers various forms of intellectual work, from works of art, literature, and science, to technological inventions and industrial designs, all of which have the potential to make significant contributions to the social, economic, and technological development of a country (Sugiati & F., 2023).

Intellectual Property Rights (IPR) cover 7 (seven) types of legal protection, including copyright, trademark rights, patent rights, industrial design rights, protection of trade secrets, integrated circuit layout designs (DTLST), and geographical indications (Gede Aditya Pratama, 2023). Industrial design is specifically regulated in Law Number 31 of 2000 concerning Industrial Design. According to the regulation, industrial design is defined as a creation that has aesthetic value and certain characteristics, which can be applied to products, industrial commodities, or handicrafts. The main characteristic of industrial design is its ability to be used repeatedly in the production process, resulting in goods that not only have functional value, but also artistic value. Industrial design covers various visual aspects of a product, including shape, configuration, line composition or color, which give an aesthetic impression and can be an attraction for consumers. Legal protection for industrial design aims to encourage creativity and innovation in the industrial sector, as well as provide economic added value for design creators and the industries that use it (Amirulloh et al., 2021).

In Indonesia, especially in Cirebon Regency, the rattan industry has grown rapidly and become one of the leading export sectors in Cirebon Regency. Based on data from the Cirebon Regency DISPERDAGIN, there are 128 rattan industry companies in Cirebon Regency (Mulyono, 2025a) and there are industrial companies that export to 18 to 54 destination countries with a total of 46 million rattan basket and rattan furniture commodities in 2024 (Mulyono, 2025b). Given the economic potential and creativity contained in Cirebon rattan products, it is important for industry players to consider registering Intellectual Property Rights (IPR) in the form of industrial designs.

Based on this background, this study focuses on the urgency of registering Intellectual Property Rights (IPR) in the form of industrial designs, especially in the context of the rattan industry and the Legal Consequences of Not Registering Industrial Design Intellectual Property Rights. Registration of industrial design IPR is a crucial legal step to obtain comprehensive legal protection for intellectual creations in this sector. Increasing legal awareness of industrial design IPR can serve as a catalyst to encourage innovation and creativity. This is in line with the main objective of IPR protection as stated in national and international

regulations. Furthermore, a comprehensive understanding of the legal aspects of industrial design IPR can strengthen the bargaining position of rattan industry players in commercial transactions and potential litigation. Therefore, this study will not only examine the normative aspects of industrial design IPR registration in the rattan sector, but will also examine the level of legal awareness of craftsmen and legal protection through applicable laws and regulations.

LITERATURE REVIEW

Intellectual Property Rights

Intellectual Property Rights (IPR) are ownership rights over ideas or information in intangible form that arise from the results of human intellectual creativity and have commercial value. This right gives the owner the authority to own, use, and prohibit other parties from using the idea or information without permission. Thus, the objects protected by IPR are very diverse, as long as they are the result of intellectual activity in the fields of industry, science, written works, or art.

As a legal concept, the term Intellectual Property Rights consists of three main elements, namely rights, property, and intellectual. These three elements are an inseparable unity, because IPR is essentially an exclusive right granted by the state to individuals or groups over property arising from human intellectual abilities, which has economic value and can be utilized commercially (Prahara, 2021).

Industrial Design

Design is defined as a person's intellectual creation which is a manifestation of his creative capacity, the manifestation of which is not limited to graphic documentation alone but has been implemented in a concrete form in the form of a product that has functional and beneficial uses in community life (Prahara, 2021).

Industrial Design is an exclusive right granted by the state to a designer or a party who receives the right from the designer for the results of his industrial design creation, for a certain period of time, to carry out himself or give approval to another party to carry out the right. This right does not automatically arise after a design is completed, but is only obtained after registration is carried out and the application is received by the authorized agency, namely the Directorate General of Intellectual Property. Thus, unlike copyright which is automatically born since a work is created, industrial design rights can only be enjoyed after going through the registration process and obtaining recognition from the state (Prahara, 2021).

Legal Protection

Intellectual Property Rights (IPR) protection is only given to designers or creators who have manifested ideas or information into physical form, both tangible and intangible, so it does not merely protect ideas or information that

have not been realized. The scope of IPR protection is also subject to a number of restrictions.

First, protection does not apply if a work of creation is used by another party solely for personal gain and not to obtain direct commercial gain, as regulated in the principle of "fair use". Second, the object of IPR for which protection is requested must meet the principle of novelty, namely that the work must be a relatively new creation and has never existed or been known before. Third, in terms of time period, protection for each type of IPR is generally limited and is expressly regulated in applicable laws and regulations, so that after the protection period ends, the work will enter the public domain. Thus, IPR protection is provided selectively and in a limited manner, both in terms of the protected object, purpose of use, element of novelty, and period of protection in accordance with applicable laws and regulations (Prahara, 2021).

METHODOLOGY

The research was conducted using a normative legal approach with secondary data collection as the initial stage, which includes a review of documents, relevant literature, and interviews. The nature of this research is descriptive analytical through qualitative research, which aims to describe systematically, factually, and accurately the facts and characteristics of the research object, namely the registration of industrial design IPR in the rattan industry sector. The analysis was carried out with the support of primary data through interviews with DISPERDAGIN Cirebon Regency.

RESEARCH RESULT

Function of Registration of Intellectual Property Rights for Industrial Designs in the Rattan Industry Sector

Intellectual Property Rights are rights that arise from the results of human intellectual activities that have economic value (Kiom & Trihastuti, 2024). According to DJKI, Intellectual Property Rights are protection given to works resulting from human intellectual abilities in the fields of art, literature, science, aesthetics, and technology. These works are intangible entities and are the result of individual creativity. Intellectual property refers to the results of the creation of the mind. (Freddy Haris et al., 2020). Intellectual Property Rights (IPR) are defined as the right to obtain legal protection for intellectual property in accordance with the provisions of applicable laws and regulations in the field of IPR, including Industrial Design.

According to Article 1 of Law Number 31 of 2000 concerning Industrial Design, Industrial Design is defined as a creation related to the shape, configuration, or composition of lines and colors, both in three-dimensional and two-dimensional forms, which gives an aesthetic impression. This design can be realized in three-dimensional or two-dimensional patterns and can be used to produce a product, goods, industrial commodities, or handicrafts. Designers will obtain exclusive rights to their creations, allowing them to carry them out themselves or grant permission to others to do so.

Industrial design is a work of art that has distinctive characteristics in terms of its form. Handicrafts such as rattan are one of Indonesia's leading commodities with high economic value. Various products made from rattan, from furniture to home decorations, have received international recognition for their uniqueness. However, in order to provide protection for creativity and innovation in rattan product design, registration of Intellectual Property Rights (IPR) is very important. This registration not only provides legal protection to designers, but also encourages the creation of sustainable innovation in the rattan industry.

IPR registration for rattan industrial designs will provide strong legal protection to design owners. Through design registration, designers will obtain exclusive rights to use and produce the design (Shahrullah et al., 2021). Through an organized registration system, interested parties, such as producers, distributors, and consumers, will easily access various information regarding registered designs.

This can help reduce the occurrence of legal disputes due to misunderstandings regarding design rights. Clear and structured registration also facilitates law enforcement against violations of intellectual property rights. IPR registration for industrial designs also serves as an encouragement for designers and innovators to continue to produce new works. With legal protection, designers will be more encouraged to invest in research and development (R&D), because they know that their work will be protected from plagiarism. This is in line with the theory of legal protection, which states that the law aims to integrate and coordinate various interests in society. In this context, protection of an interest can be done by limiting the interests of other parties (Lim, 2022).

Thus, this can prevent other parties from imitating or using the design without permission, which can result in losses for the rights owner. This protection also provides legal certainty and guarantees designers to get proper recognition and appreciation, while ensuring that their rights are fulfilled from a moral and economic aspect. (Handayani & Rasyid, 2022). However, industrial design registration is an important step but is often underestimated by designers. Meanwhile, consumers tend to have more confidence in products that have designs that have been protected by IPR, because they are considered to have gone through a strict testing and verification process, so that they can provide a guarantee of product quality. By providing strong legal protection, designers and innovators become more motivated to create their newest works. This can create an ecosystem that supports creativity and innovation, which can ultimately increase national competitiveness at the global level. Therefore, IPR registration for industrial designs is not just a formality, but a strategic step to protect and encourage the development of the creative industry in Indonesia.

The Industrial Design application procedure begins with submitting an application according to the minimum requirements in Article 18 of the Industrial Design Law to obtain a receipt date. The minimum requirements are: filling out an application form, attaching a physical sample or image or photo

and description of the Industrial Design according to what is registered, then paying the registration fee. Furthermore, if the receipt date has been obtained, the applicant is required to fulfill the administrative requirements to proceed to the announcement stage. This announcement is important so that it can be known whether or not there are objections from other parties. If there are objections, the applicant is given the opportunity to object before conducting a substantive examination. After a substantive examination is carried out, DJKI then determines to accept or reject the objection. If the objection submitted is rejected, the Industrial Design will then be registered and an Industrial Design certificate will be issued. The industrial design registration process for business actors in Indonesia can be carried out through the Directorate General of Intellectual Property (DJKI) with the following steps:

- a. Preparation of Application;
Business actors who wish to register their design must fill out an industrial design registration application form, which includes information about the design, design images, and a statement regarding the originality of the work.
- b. Supporting Document Collection:
Business actors also need to prepare supporting documents, such as design drawings (both in two-dimensional and three-dimensional form), design descriptions, and a statement stating that the design is an original work.
- c. Examination;
After registration, DJKI will conduct a substantive and formal examination of the submitted design. The substantive examination covers aspects of originality and novelty of the design, while the formal examination focuses on administrative completeness.
- d. Issuance of Certificates;
If the design is accepted, DJKI will issue an industrial design rights certificate that grants exclusive rights to business actors to use or transfer their design rights (Fauzan & Fauzi, 2024).

If all requirements are met and there are no objections from other parties, the application will be approved and an industrial design certificate will be issued. This certificate is legal evidence that the owner has exclusive rights to the design during the specified protection period (Lubis & Marina, 2019). Submission of an application for industrial design registration can be done online through an online system or by visiting the Directorate General of Intellectual Property (DJKI) or the regional office of the Ministry of Law and Human Rights in each provincial capital. In addition, applicants also have the option to register their industrial designs through legal consultant services or professional services in the field of intellectual property, such as Legal Contracts. In addition, DJKI also has a role in enforcing the law regarding violations of industrial design rights. If there is a party that violates the registered industrial design rights, DJKI can assist the rights owner to take the necessary legal action. This includes

investigation, mediation, and dispute resolution through court or arbitration. Thus, DJKI plays an active role in protecting industrial design rights and preventing violations that are detrimental to design owners. DJKI also plays a role in increasing public awareness of the importance of industrial design protection. DJKI holds various educational programs, seminars, and workshops to educate the public, business actors, and professionals about the benefits of industrial design registration. Through these efforts, DJKI contributes to creating an environment that supports innovation and creativity, and encourages sustainable economic growth in Indonesia.

Protection of Industrial Design, as well as other legal aspects, is currently very important and requires adjustment and a fairly deep understanding in order to face the increasingly tight design competition in this era of globalization. The development of Industrial Design in Indonesia is currently increasingly varied in line with the advancement of increasingly modern information and communication technology. Of course, this provides many opportunities for various Designs to be better known by the wider community (Kirom & Trihastuti, 2024). Industrial Design Protection can be granted based on an application, this is based on Article 10, that each application can only be granted to one Industrial Design or several Industrial Designs in one Industrial Design unit or which have the same elements (Article 13 UUDI). The legal protection granted to Industrial Design rights is for a period of 10 years from the date of receipt (application) and cannot be extended. In comparison, in several other countries this period varies from 5 years to 15-25 years (average 15 years). Meanwhile, Indonesia adheres to the principle of minimum protection in accordance with Article 26 (3) of the TRIPs Agreement. The subject of this Industrial Design right is the designer or the person who obtains the right from the designer. If the designer consists of more than one person who works on it together, then the Industrial Design right can be granted to those who work on it together unless agreed otherwise. Cirebon Regency, which is known as one of the rattan industry centers, with more than 128 rattan industry companies active in export activities. Rattan products from this area, such as furniture and various handicrafts, are not only marketed domestically but also exported to 54 countries, including the United States and countries in Europe. However, even though this potential is very large, many craftsmen do not fully understand the importance of legal protection for their works. This can be seen from the low number of industrial design registrations submitted by rattan craftsmen in Cirebon Regency, almost none, as stated by the Head of the Industrial Division at the Cirebon Regency Trade and Industry Service (DISPERDAGIN) (Mulyono, 2025c).

The tendency for industrial actors to reduce their design results is closely related to the lack of legal awareness in a balanced, harmonious and harmonious community life. Legal awareness is seen only as coercion, even though there is actually encouragement from outside the human being or society itself in the form of laws and regulations.

According to Soerjono Soekanto, there are four indicators to assess legal awareness, namely:

1. Legal Knowledge;

In Indonesia, industrial design registration is an important step to obtain exclusive rights and effective legal protection. Thus, industrial design registration not only provides exclusive rights, but also provides legal certainty for design owners. The legal protection provided by the law lasts for 10 years and can be extended, so that it can provide incentives for business actors to continue to innovate. If there is a violation, the owner of the brand or industrial design has the right to take legal action, including filing a lawsuit in court to stop the violation and seek compensation. Of course, effective law enforcement is very important to increase the trust of business actors and support the growth of the creative economy in Indonesia.

2. Legal Understanding;

In Indonesia, this legal understanding raises debate about the importance of registration in the context of designs that have been recognized in the market. Designs that have been recognized by consumers usually have high commercial value, so that their owners can defend their rights through reputation and market recognition. In this case, design owners can rely on the principle of legal protection which is more general in nature. However, even though there are arguments in favor of not requiring registration for widely known designs, the risks associated with not registering a design remain. Because without registration, the design owner has no strong legal evidence to sue for violation of his rights. Therefore, even though the design is widely known, registration is still a recommended step to obtain stronger legal protection.

3. Legal Attitude;

Legal attitude refers to an individual's tendency to accept or reject the law, which is influenced by the recognition or belief in the law that is considered beneficial to human life. So in this case there has been an element of recognition of legal regulations. A society that is aware of the law and obeys the law is the ideal that is expected from legal norms, which aim to create justice and enable the development of community culture. This is important to build a social system that respects each other, so that people can become more aware and obedient to the law (Pradoto et al., 2020). Legal attitudes are very necessary in society, because order, peace, tranquility, and justice can only be realized through harmonious interactions between individuals. Without high legal awareness, achieving these goals will be very difficult.

4. Legal Behavior Patterns. Every individual is born with different nature, character, talents, desires, and interests. In social interactions, humans depend on each other. The community environment functions as a place to develop oneself, collaborate, socialize, and earn a living to meet the needs of life. However, differences in interests and desires between

individuals often trigger disputes and conflicts in society. This situation can result in disharmony, disorder, restlessness, and insecurity in social life. Therefore, to prevent the occurrence of these negative problems, it is very important to have legal rules that regulate the order of social interactions and instill legal awareness among the community.

What is meant by a legal behavior pattern is whether or not a legal rule applies in society. If a legal rule applies, then to what extent does it apply and to what extent does society obey it (Pradoto et al., 2020). This legal behavior pattern needs to be instilled from an early age, starting through the family environment, namely that each family member is expected to be able to understand their rights and responsibilities to the family, respect the rights of other family members, and carry out their obligations before demanding their rights.

This indicator shows the extent to which society has a legally aware attitude. Registration of industrial designs is one concrete proof of the implementation of a legally aware attitude. However, the low legal awareness among rattan industry players means that many creative and innovative designs are still not registered, making them vulnerable to plagiarism. This condition shows the need to increase public understanding of the importance of legal protection for their creative works.

Protection in the field of Intellectual Property Rights (IPR) focuses more on personal protection, but in order to maintain a balance between individual interests and public interests, the IPR system is based on the following principles:

1. Principles of Legal Protection of Intellectual Works;

Protection in the field of Intellectual Property Rights (IPR) emphasizes more on personal protection, so that in order to maintain a balance between individual interests and public interests, an IPR system is needed that is based on the following principles.

2. Principle of Balance of Rights and Obligations;

The law has regulated various policies that are directly related to IPR in a balanced and proportional manner, so that it is hoped that in the future there will be no more parties who feel that their interests are being harmed. The parties involved in it include the government, designers, and the community. IPR is basically individualistic in nature which must be balanced with concern for the public interest.

3. Principle of Economic and Moral Protection.

This intellectual work requires time, intellectual creativity, facilities, and a lot of money. Therefore, designers must be protected by law to get the economy from the work that the designer registers. In addition, designers must also be protected morally, namely having the right to be recognized as designers of a work that has been registered (Prahara, 2021).

In Cirebon Regency, rattan industry players have received facilities to assist in registering their industrial designs through DISPERINDAG. Socialization has also been carried out to attract rattan entrepreneurs to register their designs, but they are still reluctant because the process is long, taking

around 14 months from the date of application. DISPERINDAG has created many activities such as design competitions and is attended by many Cirebon residents in various regions. DISPERINDAG is trying to ensure that industry players can apply for registration of their industrial designs, but many of them are still unwilling to register their designs because they feel that the application takes a long time and before applying for design rights and design rights have not been issued but the goods have been published (Mulyono, 2025).

The dissemination of legal information (legal dissemination) and structured and systematic legal education have become fundamental instruments for efforts to increase public legal awareness. This condition is becoming increasingly crucial because the low level of legal awareness will have implications for the emergence of legal violations that can harm the public interest and potentially threaten industrial stability. Therefore, increasing public knowledge about IPR is very necessary considering the importance of protecting their industrial designs. In order to deal with this problem, strategic efforts are needed involving various stakeholders. Through an approach to the community by holding activities that increase community initiatives towards industrial design registration. This activity can include socialization of regulations related to laws and their witnesses, holding free training, and the government must also issue regulations related to sanctions for designers who do not register their industrial design IPR. Thus, access to information, understanding and legal protection, it is hoped that the community will be more motivated to register their designs. With the help of the government, in making regulations related to sanctions for designers who do not register their IPR designs will receive sanctions to provide a deterrent effect.

Legal Consequences of Not Registering Industrial Design Intellectual Property Rights

Industrial design rights are obtained by registering the design, registration is an absolute must to obtain industrial design rights, because without going through the registration process, industrial design rights will not be obtained, so they will not be protected (Lim, 2022).

The legal consequence of not registering a rattan industrial design is the loss of the right to sue for infringement. According to Article 46 (1) of Law No. 31 of 2000 concerning Industrial Design, if a design is not registered, the rights holder or licensee cannot file a lawsuit against the party using the design without permission. This means that even if a violation occurs, the designer has no legal basis to claim compensation or stop the use of his design by another party and also cannot be prosecuted under criminal law for not registering it. In other words, without registration, designers are vulnerable to detrimental actions.

If a design is not registered, its owner cannot file a lawsuit against a violation of his rights. For example, if another party produces goods with the same or similar design to a design that has not been registered, the original owner has no legal basis to sue or stop the action. This creates unfairness in the market and is detrimental to craftsmen who are trying to maintain the uniqueness of

their products. From a legal perspective, cancellation of industrial design registration can also occur if there is a violation of applicable provisions, such as a lack of novelty or non-compliance with legal norms. The impact of this cancellation is the loss of all rights related to the design, including the right to sue the violating party. Thus, designers not only lose exclusive rights but also lose potential income from products produced based on the design. The industrial design registration system in Indonesia is constitutive (first to file), namely the legitimate and recognized design owner is the party who first registers the design with the DJKI. Thus, legal protection for a new brand can be obtained if the design has been officially registered with the Directorate General of Intellectual Property. The implementation of this system provides a stronger guarantee of legal certainty for design owners (Pangestu, 2022). The importance of registering a design carried out by designers is to obtain proof and protection if there is a party who wants to recognize or claim the registered design. Protection of industrial designs is provided to encourage the creation of a healthy industrial climate and to prevent imitation of designs and unfair competition practices (Maheswari et al., 2021).

Thus, this will have a positive impact on local economic growth and improve community welfare, especially in areas that depend on the rattan craft industry for their livelihoods. Therefore, registration of IPR for rattan industrial designs should be seen as a strategic step and not only benefits the rights owner, but also provides benefits to the community and the economy as a whole. With proper protection, the rattan craft industry is expected to continue to grow and contribute to cultural identity as well as the creative economy in Indonesia.

Designers in the field of industrial design have the right to take legal action if their rights are violated. There are two types of legal remedies that can be taken, namely civil and criminal remedies. For civil remedies, designers can file a lawsuit against the infringer of industrial design rights in the Commercial Court. Industrial design rights owners or licensees may sue parties who intentionally and without rights use, produce, sell, import, export, or distribute products protected by Industrial Design Rights, with a demand to compensate for losses or stop such actions. In addition, Industrial Design Rights holders may also resolve disputes through non-litigation channels by using Alternative Dispute Resolution Institutions, such as mediation, negotiation, conciliation, and arbitration. This arbitration process can be carried out both domestically and abroad.

If there is a criminal violation of Industrial Design, it can be resolved using criminal channels by reporting the crime to the relevant party who has the authority to handle it. Criminal acts related to industrial design are included in the category of complaint offenses. This offense can only be carried out through criminal procedures if there is a report from a party who has experienced an impact in the form of a loss, in this case the owner of the industrial design rights who feels the impact of the loss due to the use of industrial design rights without rights and against the law. Meanwhile, industrial design violations can be in the form of making, using, importing, distributing goods, exporting and others that

violate the moral rights of the designer, violating the obligation to maintain a secret for an application until the time an application is announced. If a violation occurs by someone, the injured party or the industrial rights holder can then report it to the investigator so that it can be further processed based on the provisions of the Criminal Procedure Code. (Reni & Anggraeni, 2023).

CONCLUSIONS AND RECOMMENDATIONS

Based on the research findings and descriptions that have been explained previously, the conclusion regarding the Urgency of Registering Intellectual Property Rights for Industrial Designs in the Rattan Industry Sector in Cirebon Regency has not been running optimally. This is based on the lack of legal awareness by rattan industry players to protect the exclusivity of designs, and the lack of understanding of the Intellectual Property Rights Law which protects works from piracy so that legal protection cannot guarantee that designers get their rights when they do not register their designs.

The registration process which takes a relatively long time is one of the reasons for rattan industry players not to register their designs. However, DISPERINDAG has played an active role in providing a forum and efforts so that rattan industry players are willing to register their designs. Community participation is needed in the implementation of activities to support the community to actively participate in registering industrial designs for their rattan works.

This phenomenon reflects a broader problem in the rattan industry in Cirebon Regency, raising concerns that the design will be easily copied by competitors, so that further cooperation is needed between the government and rattan industry players to support design development and registration activities by fostering a sense of legal awareness, legal compliance, and the creation of legal certainty for design owners. Suggestions for activities that can be carried out include socializing regulations related to the Law and its sanctions, holding free training, and the government must also issue regulations related to sanctions for designers who do not register their industrial design IPR. The legal consequences that arise when not immediately registering their designs can later cause disputes so that efforts are needed to jointly understand the importance of registering industrial designs to obtain legal protection for their designs.

ADVANCED RESEARCH

Further and in-depth study on the level of legal awareness of industry players regarding the importance of registering intellectual property rights for industrial designs. This further research is expected to reveal other aspects that influence the low level of legal awareness, legal compliance, and legal certainty in implementing registration procedures in line with applicable legal provisions. In addition, a comprehensive study needs to be conducted to formulate appropriate solutions and policy recommendations to increase legal awareness and compliance in the sector.

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