

## Problem Tumpang-Tindih antara Konsep Trade Dress dan Desain Industri di Indonesia = Overlapping Problems of Trade Dress and Industrial Design's Concept in Indonesia

Alexander, Michael, author

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### Abstrak

Desain selalu memegang peranan penting untuk memikat mata pelanggan. Trade Dress dan Desain Industri berbagi kronologis konsep hak kekayaan intelektual yang paralel mulai dari perlindungan hanya untuk desain dua dimensi hingga akhirnya desain tiga dimensi dapat dilindungi. Dalam persaingan perdagangan, umumnya komoditas dagang memiliki desain produk dan desain kemasan yang berbeda. Namun, tidak jarang desain produk secara simultan merupakan desain kemasan, misal : Henry Ford; Christian Louboutin; Crocs; Gibson. Apabila timbul persaingan curang, peniruan atau pemboncengan reputasi dari beberapa contoh desain di atas, maka dapat dikatakan telah terjadi tumpang-tindih pelanggaran passing off Trade Dress vis-à-vis passing off Desain Industri

.....Design always plays a crucial role in captive customer's eyes. Trade Dress and Industrial Design share the same chronological concept of intellectual property rights ranging from protection only for two-dimensional design to at last threedimensional design can also be protected. In trading competitions, trade commodities generally have distinct products design and packaging design. However, we often encounter brands whereby the product design is also the Trade Dress, for instance : Henry Ford; Christian Louboutin; Crocs; Gibson. If there is a fraudulent unfair competition, imitation or ride on the reputation of the design examples above, then it can be said that there has been a overlapping violation of passing off Trade Dress vis-à-vis passing off Industrial Design