

Implementasi Pemeriksaan Substantif Atas Asas Kebaruan Dalam Undang-Undang No.31 Tahun 2000 Tentang Desain Industri Dalam Melindungi Perancang Busana Mode Indonesia = The Implementation Of Substantive Examination Of The Novelty Principle In Law No.31 Year 2000 Regarding Industrial Design In Protecting Fashion Garment Designers Of Indonesia

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Abstrak

Industri busana mode adalah permintaan pasar yang penting untuk kebutuhan manusia yang telah berbudaya menuju kemajuan baru. Kemajuan di industri ini sebagai salah satu bagian pokok dalam industri kreatif Indonesia telah berkembang ke kemajuan yang lebih tinggi, namun hukum Indonesia terhadap industri ini dalam UU No. 31 Tahun 2000 tentang Desain Industri sebagai landasan hukum dalam Ketentuan Pemeriksaan Substantif atas Asas Kebaruan masih menimbulkan permasalahan dalam implementasinya. Tujuan utama dari penelitian ini, selain permasalahan ini belum diangkat secara detil oleh penelitian-penelitian sebelumnya, topic ini akan mempertegas pentingnya proses Pemeriksaan Substantif atas Asas Kebaruan dalam hukum Desain Industri terhadap jenis Industri ini.

.....The fashion garment industry is an essential market demand for human necessity as it has cultured towards new advancements into the minds of the modern human as a form of personal self-expression, asserting itself as a requirement as well as means to selfactualization towards its buyers and customers. The progression of this industry as one of the staples in the Indonesian creative industry has cultivated to higher advancements, however the Indonesian supporting law towards this industry in Law No. 31 year 2000 Regarding Industrial Design as a legal foundation attracts criticism in its implementations. The provisions of Substantive Examination of the Novelty Principle is not a necessary administrative process unless there is opposition – due to this, industrial design rights registration towards fashion garments has exposed legal issues where garment manufacturers holding Industrial Design Rights are being alleged by the public for using designs from other designers which are arguably not inline with the Novelty Principle and/or considered as “Public Domain”. The main purpose of this research is that prior authors have not highlighted the importance of the Novelty Principle in Industrial Design law towards this type of Industry as a solution towards this issue.