

Comparison Of Overlapping Legal Protection Systems For Copyright And Industrial Designs Between Indonesia And The United Kingdom

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Abstract

The purpose of this study aims to examine the copyright protection system and industrial design so that the intersections that are often found between the two can be explained in a theoretical framework that is more applicable in Indonesia.. The method used in this analysis is prescriptive normative research. Based on the research, it can be concluded that the cause of the overlap between copyright and industrial design occurs because the elements of art contained in industrial design. Art is protected by copyright, while works of art that are mass produced within the framework of industrial activity are protected by industrial design. The TRIP's Agreement and the Berne Convention provide rules that Industrial Designs can be protected through the copyright regime and the Industrial Design Regime. Indonesia uses theseparation of protectionsystem, while the United Kingdom uses a partial overlap of protection system.

Keywords: Copyright; Industrial Design; Overlapping

Introduction

Protection of industrial designs is the most complex intellectual property compared to other intellectual property rights because of the intersection with other intellectual property rights such as patents, trademarks, and copyrights.(Barbosa 2010, 6)Although the boundary between intellectual property rights protection has been drawn, but the intersection between intellectual property rights(Srikanth 2017, 1) continues to occur along with the rise of legal problems related to this matter. Overlapping or (accumulation of) rights is a situation in which two or more "Intellectual Property Rights (IPR)are related to the same subject.(Estelle Derclaye 2017, 37) This overlap of IPR transcends legal boundaries and forms a new intellectual property protection system.(Heymann 2014, 239) Then, a new form of intellectual property protection was born, namely the dual protection system and partial overlap of protection system.(Souza and Peralta 2021, 2)

Copyright is a right granted by the State to creators of works of art, literature, and science. If the Industrial Design was originally realized in the form of paintings, caricatures, or drawings/graphics, only one-dimensional artwork that can get/granted a Copyright.Then, at the

next stage it is arranged in two or three dimensions and can be realized in a pattern that gives birth to a material product and can be applied in industrial activity. It was in this form that he was later referred to as Industrial Design.(Gautama, Sudargo R 2004, 467)

For example, the Disney character, Mickey Mouse, is an artistic work that is protected by copyright and as a trademark. Then if it is manifested in the form of in the form of a caricatures in a t-shirt and mass-produced, it will have Industrial Design protection as well. Even though the object is the same, it gets protection from various intellectual property rights, and these rights are allowed to coexist together.(Srikanth 2017, 2)This right of protection is also known as a dual protection system. Considering the correlation between the Industrial Design Intellectual Property Rights and Copyrights, this can be a potential dispute.

The potential for disputes from the intersection between industrial design intellectual property and copyright is very large due to the overlap in the application of art protection.” The Industrial Design work is a continuation of the copyrighted work. Disputes between Industrial Designs and Copyrights can occur when each party has a legal right to a related object. This overlapping problem has challenged the freedoms of competition, expression, and the arts; and has restricted intellectual property rights owners to explore their intellectual property products.(Souza and Peralta 2021, 21)

The case in Indonesia between Bun BunKhui or Radiman as the Plaintiff and the copyright holder for the painting entitled "PITA" is registered with the Directorate General of

Intellectual Property Rights at the Ministry of Law and Human Rights of the Republic of Indonesia with Registration Number 052789, dated April 16, 2010. PT Tunisco Trading Investment as the Defendant and the holder of an Industrial Design Certificate with the Title “KEMASAN” with Registration Number ID 0 033 235 - D on the filing date of application 16 February 2012. This registered design is on the packaging of Taiba trademark. Bun BunKhui emphasized that "KEMASAN" design from PT Tunisco Trading Investment is not a new design because it incorporates Bun BunKhui's artwork entitled "PITA" into it. This 'KEMASAN' also imitates the packaging of products that have been sold since 2009 by Bun BunKhui with the brands Haibah and Jakar. Bun BunKhui then filed for Cancellation of the Industrial Design Registration which was submitted through the Commercial Court in Jakarta, which is in the jurisdiction where the Defendant resides or domiciles. The application to cancel the Industrial Design owned by PT Tunisco was won by PT Tunisco with the NietOntvankelijkeVerklaard (an unacceptable) decision.

Based on previous research(Estelle Derclaye 2017), these overlapping regulations have been causing serious problems that must be resolved legislatively or judicially. Meanwhile, according to Silva(Leite 2014, 21) this overlapping problem has challenged the freedom of competition, expression, and the arts; and has limited intellectual property rights owners from exploring their intellectual property products. To minimize overlapping cases like this, research Ghidini(Ghidini 2019, 6) states that a separation of protection system will cause new problems and a negative impact on competition. Ghidini proposes the use of a partial overlap of protection system as adopted by countries in the European Union that can support competition dynamic and ultimately benefit the majority of consumers.

Referring to the Standing Committee of the Law on Trademarks, Industrial Designs, and Geographical Indications which were passed in 2002, there are three overlapping

protection systems of Copyright and Industrial Designs, namely Separation of Protection between Industrial Designs and Copyrights, which means that works are not protected at the same time. Protection of Industrial Designs and protection of Copyrights cannot be combined. The second protection system is Cumulative or Dual protection system. Cumulative or Dual protection system will protect Copyrighted works through Copyright and Industrial Design laws simultaneously and vice versa. Third, is the partial overlap of the protection system which is a combination of the two systems above or also called a modified cumulative system.

The United Kingdom applied Partial overlap of protection system. The United Kingdom industrial design cancellation article provides a stipulation that those who can cancel an Industrial Design are industrial designs and copyright-related designs. Meanwhile, in Indonesia, only Industrial designs can cancel industrial designs resulting from infringement. Of the three overlapping Industrial Design and Copyright, according to WIPO (cumulative of protection system, separation of protection system, partial overlap of protection system), the ideal protection system applied to prevent and minimize cases of overlap between Industrial Designs and Copyright is a Partial overlap of the protection system.

Partial overlap of protection system will protect Industrial Designs through the Industrial Design Law and Copyright Law, on the basis that copyrighted works can be continued in the form of industrial design works also have artistic elements which are part of Copyright protection. The occurrence of disputes due to overlapping between Industrial Designs and Copyrights shows the importance of legal protection for the Industrial Design Law and Copyright Law.”

Actually, why do the regulations regarding the copyright protection system and industrial design overlap based on international regulations and how do the overlapping Copyright and Industrial Designs used by Indonesia and the United Kingdom compare?

Research Method

This research is normative legal research. Normative legal research is also known as doctrinal legal research. In normative legal research, the law is expected as what is written in legislation, or the law is conceptualized as a rule or norm that is a benchmark for human behaviour that is considered appropriate behaviour. The approach used in this research is the statute approach. The statute approach is conducted by analysing the laws and regulations regarding the legal issues being taken care of it. (Marzuki 2014, 60) Library research is being used to collect the necessary information. That is by studying the legal literature related to the subject matter, the set of laws and regulations, legal articles, and various other written sources.

Result and Discussion

Regulations Regarding the Overlapping Protection System for Copyrights and Industrial Designs Based on International Regulations

The inequality of several Intellectual Property regimes, namely Industrial Designs, Copyrights, and Trademarks often makes people confused. The confusion lies in its protection from the three interrelated regimes. Copyright and Industrial Design are 2 (two) Intellectual Property regimes that are difficult to separate from one another. In the industrial world, there are works of industrial design called artistic designs. For example, artwork in the form of

embroidery on a wedding dress is not a copyrighted work of art but rather a work of industrial design art. The existence of an overlap between Industrial Design and Copyright such as this embroidery artwork in practice has caused multiple interpretations and difficulties in interpretation. (Gautama, Sudargo R 2004, 69)

Elements of art or aesthetics become important in industrial design. The art contained in the work is the creation of the Artist, therefore this work is a human intellectual work that must be protected as property rights. There is a difference in perspective between the two. In Copyright, there are ratio, aesthetic values, taste, and usability effects. Whereas in Industrial Design, the emphasis is on the object that give rise to an aesthetic impression and effects, so that taste is prioritized. (Mughtar A. H. Labetubun 2011, 12) The overlapping correlation between Copyright and Industrial Design has become a problem for experts and law designers around the world. (Tim Lindsey et. All 2006, 224)

The definition of Industrial Design based on the Indonesian Industrial Design Law. The criteria for a work to be referred to as an Industrial Design work can be described as follows:

- a. A creation of shape, configuration, or composition of lines or colours, or lines and colours, or a combination of both;
- b. The form of the configuration or composition must be in two or three dimensions;
- c. The form of the design must also give an aesthetic impression
- d. All points above (a, b, c) must be applied in creating a product, in the form of goods, industrial commodities, or handicrafts.

The elements contained in points a, b, and c can also be qualified and approached as Copyright and Copyright Protection, but the elements contained in point d are the determining elements that must exist in an industrial design.

Considering the object of industrial design and its connection with copyright as above, works which are a "pattern" that are used to create and produce design works repeatedly are objects in the regulation of Industrial Design legal protection. The last Industrial Design Criteria point d is what gives it a characteristic as a key point. If these characteristics are nowhere to be seen, it will be more directed to the concept of understanding copyright protection. (Djumhana 1999, 41) What kind of creation in Indonesian industrial design that gives an aesthetic impression? Any form of industrial design that looks strange and unique can be registered as an industrial design and get a protection. Legal terminology related to aesthetic values that exist in industrial design lacks real and clear boundaries. (Hadi 2015, 51)

A design in the form of a blueprint belongs to the copyright-protected artwork. Under the Copyright Act, if the art is initially created with a blueprint and then embodied in a work, both of them get copyright protection. (Tim Lindsey et. All 2006, 224–25) When it get mass-produced, this work is called industrial design work. The owner of the copyrighted work has the exclusive right to make his work into a three-dimensional form and mass-produced it. It will be clearer if we describe with an example. A is making a blueprint in the form of a painting of a carving table and then the carving table is made in three-dimensional form with wood, then

this blueprint and carving table will get copyright protection. Furthermore, if this carving table is produced in mass quantities, the wooden table which was originally a copyrighted work turns into an industrial design work that is protected by the Industrial Design Act (connected design).

Industrial Designs can be protected by the copyright regime and the Industrial Design Regime. Design protection can go through the Copyright regime because Industrial Design is also an applied art. Thus, the artistic elements contained in the Design are the scope of copyright. The scope of copyright consists of art, science, and literature. Juridically, design protection through the Copyright Regime is in the TRIP's Agreement and the Berne Convention.

Article 25 of TRIP explains, "Each member shall ensure that requirements for securing protection for textile design, in particular in regard to any cost, examinations or publication, do not unreasonably impair the opportunity to seek and obtain such protection. Members shall be free to meet this obligation through industrial design law or through copyright law"

Article 25 of TRIP explains that Industrial Designs can also be protected through the Copyright Law although there are limitations, namely only textile designs. The Berne Convention states the same thing, namely in Article 2 paragraph 7 which states: "Subject to the provision of Article 7 (4) of this convention, it shall be a matter for legislation in the countries of the union to determine the extent of the application of their laws to work of applied art and industrial design and models, as well as the condition under which such works, designs, and models shall be protected. Works protected in the country of origin solely as designs and models shall be entitled in another country of the only to such special protection as is granted in that country to designs and models."

The Berne Convention is an international agreement that discusses the field of copyright. In The Berne agreement, for the first time, the scope of Copyright is regulated. The article above clearly states that applied art is the scope of Copyright. Industrial Design is also an applied art that is protected by copyright. (Sulistianingsih and Satata 2019, 8–9) However these two rules do not require artistic designs to be protected by copyright and industrial design. The rules of whether artistic designs are protected by industrial designs only or copyright and industrial designs are returned to the policies of each country.

Comparison of Copyright Overlapping Arrangements and Industrial Designs Used by Indonesia and the United Kingdom

Table 1 : Comparison of Indonesia and United Kingdom Industrial Design Laws.

Comparison	Indonesia	United Kingdom
Rules on Industrial Design	1. Law Number (No.) 31 of 2000 on Industrial Design	1. The Registered Designs Act 1949 (UK registered designs); 2. The Copyright, Designs, and Patents Act 1988 (UK unregistered design rights); 3. The EU Designs Directive (98/71/EC); 4. The EU Community Designs Regulation (6/2002); 5. Intellectual Property Act 2014 (amending the Copyright, Designs, and Patents Act in relation to UK unregistered design rights); (Intellectual Property Law)
Protection of Industrial Designs	1. Registered Industrial Designs	1. The registered design in the UK; 2. The registered Community design; rights 3. The unregistered UK designs; 4. The unregistered Community design rights; and 5. copyright, which can protect certain design elements for industrial and non-industrial applications.
Industrial Design protection requirements	Novelty and First to file	Novelty and Individual Characteristics
Industrial Design protection period	1. 10 years after the industrial design is registered	2. Industrial Design registered protection for 5 years and can be extended up to 5 times 3. 3 years for unregistered Industrial Design

Legal Protection in the Copyright Law and Industrial Design Law used in Indonesia shows that the Copyright Law provides many benefits for a person, compared to the Industrial Design Law. For example, the period of copyright protection is longer than industrial designs and registration for copyright protection is not required. The period of protection for industrial designs is 10 years after the design is registered while for copyright, the period of protection

for moral rights is permanently with 70 years economic protection after the creator died. (Sulistianingsih and Satata 2019, 9) The Industrial Design Act is indeed directed at protecting mass-produced goods. (Tim Lindsey et. Al 2006, 226)

The definition of law in Indonesia, which is contained in Article 1 Number 1 of Law No. 31 of 2000 on Industrial Design states:

"Industrial Design is a creation of the shape, configuration, or composition of lines and colors, or a combination thereof in the form of three dimensions or two dimensions that give an aesthetic impression and can be realized in three-dimensional or two-dimensional patterns and can be used to produce a product, goods, industrial commodity, or handicraft.

Therefore, Therefore the product or item is a combination of creativity and technicality in the process of designing industrial products to be able to be used by humans or users as a result of the production of a manufacturing system. (Djumhana 2006, 113)

The principle in industrial design protection is the novelty and First to file. Several weaknesses exist in the Industrial Design Act. First, the limitation of creation that contains an aesthetic impression is not explained in detail. This ambiguity potentially causing moral hazard in industrial design. The long-term consequence of the industrial design provisions contained in article 1 is the weak protection of industrial design laws. In practice, the interpretation of "novelty" can cause problems in judging, especially in designs that have similarities. Weaknesses of the Industrial Design Law which are implied in the Industrial Design registration process in the provisions of Articles 26 and 29 if there is an objection from a third party, then a substantive examination will be carried out. (Sadnyini et al. 2020, 31)

In contrast to Indonesia, the requirements for protection of Industrial Design in the UK are novelty and individual character. Industrial Designs can be protected if the new ones do not have identical or different material design similarities. Individual character means that the design reflects the character of the designer and has nothing in common with existing designs and other designers. (Sulistianingsih and Satata 2019, 7)

The UK has a relatively complex system for the protection of industrial designs. There are currently five forms of protection available for industrial design aspects:

- 1 registered design in the UK;
2. registered Community design;
- 3 unregistered British design rights;
- 4 unregistered Community design rights; and
- 5 copyright, which can protect certain design elements for industrial and non-industrial applications.

The main laws governing Design in the United Kingdom include:

- 1 the Registered Designs Act 1949 (the UK registered designs);
- 2 the Copyright, Designs, and Patents Act 1988 (UK unregistered design rights);
- 3 the EU Designs Directive (98/71/EC); (EU Design Directive (98/71/EC));

- 4 the EU Community Designs Regulation (6/2002);
- 5 the Intellectual Property Act 2014 (amending the Copyright, Designs, and Patents Act in relation to UK unregistered design rights);(Wy 2017, 1)

Industrial design protection registered in the UK is stronger than any other design protection.(Wy 2017, 2)The protection covers both intentional and unintentional infringement. Registration of this design does require more effort in terms of finance and administration efforts.However, proof of industrial design registration certificate will be very useful in case there are design violation even though the protection period is relatively short.

Industrial Designs in the UK that are not registered are encouraged keep documents and records of design progress along with date and signature on every file. This is very helpful if there is a violation of the design that is owned. In a 2008 survey, 80% of respondents, i.e., clothing designers in the UK, always keep their original design documents. They realize the importance of keeping these industrial design documents to prove copyright ownership of the designs they make.(WIPO 2008, 21)

Countries in the European Union allow limited Industrial Design protection for designs that are not or have not been registered for 3 years from the date of publication of the design in the European Union. This limited protection for unregistered designs is intended to provide time and opportunity for companies to test whether the industrial design products marketed have good market prospects or not, without the need to incur large costs design registration. Given that many industrial design products are not selling well in the market, or only last for a short period of time. Designers have 12 months to register their industrial design products before they are produced. The weakness of this limited protection for industrial design products is that in the event of a violation, it will be more difficult to enforce the law compared to the case of registered designs.(WIPO 2008, 7)

Overlapping Protection Systems Of Copyright And Industrial Designs

Referring to the Standing Committee of the Law on Trademarks, Industrial Designs, and Geographical Indications which were passed in 2002, There are 3 combinations of overlapping protection systems of Copyright and Industrial Designs, cumulative or dual protection, separation of protection, and partial overlap of protection.The dual or cumulative protection system of Industrial Design works (such as a work of art) is protected by Copyright because the creation or application in a tangible form is followed by the provisions of the Law. In addition, the Industrial Design works can also be protected through the Industrial Design Act from the date of registration or application of a design, or the first commercial distribution of the related product, following the provisions of the Act.(World Intellectual Property Office - WIPO 2002, 11)

The dual protection system has its roots in French legislation. Legal protection of aesthetic artworks, whether pure art or applied works of industrial design—or example, fashion—do not need to choose between copyright law protection or industrial design legal protection because it automatically gets both protection(Leite 2014, 27)regardless of the level of artistic value in the artistic work. This is due to the theory of the unity of art (l'unité de l'art) which was applied by France. This theory was initiated by Eugène Pouillet(Souza and Peralta 2021, 4)and states that art can be expressed in various ways and can be applied with various materials. Art is a unified concept, where artistic creations cannot be distinguished or discriminated against based on aesthetic functions or ways of expressing them, which then deserves to be called a work of art. Artistic expression cannot be disqualified simply because it has been applied or manifested in an item that has a use. According to Gusmão,(Gusmão 2015, 289)industrial designs that come

from human creations from aesthetic forms are certainly works of art; applied arts or decorative arts are still art. Therefore industrial designs are also subject to copyright law. It is not the right of the legal interpreter to judge and determine the artistic level of work.

Unlike the cumulative system, in this separation of protection system, the protection of Industrial Design works is separated from Copyright. Industrial Design Works (e.g., designs on goods that have a use) are specifically only protected through the Industrial Design Law, so they cannot be protected simultaneously as works of art in Copyright. In countries that adopt this system, Copyright protection is reserved exclusively for the protection of works of art. Therefore, the whole form or configuration of useful products, industrial products, and consumer products cannot be protected through Copyright, regardless of how pleasing or valuable the shape or configuration is from the point of view the point of view of its aesthetic. (World Intellectual Property Office - WIPO 2002, 11)

The partial overlap of protection system is between the two systems above, namely a cumulative or dual protection and separation of protection system. This system automatically protects Industrial Designs through Copyright Act and Industrial Design Laws. On the other hand, a strictly separate protection system will provide Industrial Design protection for the form or appearance of useful products, industrial products, or consumer products but allow overlap with Copyright protection, in cases a design can be considered a work of art (or applied art). (World Intellectual Property Office - WIPO 2002, 13) The dual protection system model is different from the partial protection system. If, in a full dual protection system, industrial designs automatically get copyright protection, while in a partial protection system, industrial designs cannot be automatically protected as copyright. Industrial design works that get copyright protection are only works that meet the artistic criteria in copyright protection. This partial protection system is a modified full double protection system. (Koukal 2007, 120)

Table 2: Comparison of overlapping legal protection systems for copyright and industrial designs in Indonesia and the UK

Overlapping of Copyrights and Industrial Designs	Indonesia	United Kingdom
Protection of Industrial Designs which are artistic designs	Protected by Law Number (No.) 31 of 2000 on Industrial Designs	Protected by copyright and industrial designs.
Cancellation of Industrial	Designs Only pre-existing Industrial Designs can cancel Industrial Designs	Can be cancelled on the basis of Industrial Designs and copyrighted works of art related to that Industrial Design.
Protection system	separation of protection	Partial overlap of protection

Protection of Industrial Designs through Copyright is currently still an unanswered question. International agreements stipulate that a design can be protected through Copyright, while in Indonesia, Copyright is protected through Law No. 28 of 2014, while Industrial Designs are protected through Law No. 31 of 2000. Of the three protection systems, it is not stated which protection system that is applied in Indonesia. However, if we look at the Industrial Design Law Number (No.) 31 of 2000 and the Copyright Law Number (No.) 28 of 2014 there is no clear connection between these two laws.

The Industrial Design Law does not provide an explanation regarding the provisions on Industrial Designs that are protected by Copyright. The Copyright Law does not further explain what derivative products are protected by Copyright and Industrial Designs. But what we need to know is that Industrial Design protects the external appearance of the design product, while Copyright protects art, literature, and science. Industrial design works in Indonesia which are artistic works will only get industrial design protection without copyright protection. Industrial Designs in Indonesia can only be cancelled by the holders of Industrial Designs, as stated in Article 37 of the Industrial Design Law. The author concludes that the system rules applied by Indonesia are separate protection systems. This system does allow opportunities for overlapping disputes between the Industrial Design and Copyright fields, because it strictly separates Industrial Design and Copyright. In fact, it is possible that an Industrial Design work is a continuation of copyrighted work or artistic design.

The partial overlap of the protection system used by the UK allows for Cumulative or dual protection in some cases but can also apply separate protection in others. Dual protection through the Copyright and Industrial Design regimes can be used if it meets the requirements of protection for both regimes. If the originality requirements for copyright as a work of art are met and exploited in the form of an Industrial Design, it will receive both protections. However, if the Industrial Design is not derived from a work of art, a separate protection will be applied, which is only protected from the Design regime. The United Kingdom industrial design annulment section of the Registered Designs Act 1949 provides a provision that industrial designs may be invalidated by pre-existing industrial designs and works of art under copyright. This cancellation article anticipates if the design work is artistic or is an infringement of the artwork.

Before 2016, UK tried to limit the cross between Copyright and Industrial Design protections. (Bently 2012, 629) The UK Copyright, Designs, Patents Act section 52 states that it is not a copyright infringement if it is manifested in the form of a design. (Wy 2017, 5) The now-repealed section 52 of the Copyright Act, The 1988 Design Patent aims to limit the period of copyright protection used in industrial activities to 25 years. (Zhang 2017, 1) Only after April 2013 (transition period from old to new regulations) (Ghidini 2019, 10) after the repeal of section 52 of the Copyright Law, the 1988 Patent Design which initially used a separate Copyright and Industrial Design protection system, became a partial dual protection system. (Bently 2012, 11) The revocation of section 52 of this Act is based on the fact that section 52 is not following existing regulations in the European Union, so all works of art (whether exploited as designs or not) will have copyright protection for their creators for life plus 70 years. (Zhang 2017)

Conclusion

The cause of the overlap between copyright and industrial design is the presence of elements of art in industrial design. Art is included in copyright protection, while works of art that are mass produced and used in industrial activities are protected by industrial designs. Based on the TRIP's Agreement and the Berne Convention, it appears that Industrial Designs can be protected through the copyright regime and the Industrial Design Regime. Design protection through the Copyright regime applies because Industrial Design is also an applied art. That is, the elements of art in the Design are the scope of copyright. However, the legal choice about whether artistic designs will be copyrighted and industrial designs or just industrial designs protected is at the discretion of each country. Indonesia uses an separation of protection system, while the UK uses a partial overlap of protection system. The UK industrial design cancellation article provides a stipulation that those who can cancel an Industrial Design are industrial designs and copyright-related designs. Meanwhile for the cancellation of industrial designs in Indonesia, only Industrial designs can annul industrial designs resulting from infringement. Of the three overlapping Industrial designs and Copyright according to WIPO (cumulative of protection system, separation of protection system, partial overlap of protection system), the most ideal protection system is applied to prevent and minimize cases of overlap between Industrial Designs and Copyright is a partial overlap of protection system. Partial overlap of protection system overlapping will partially protect Industrial Designs in the Industrial Design Law and Copyright Law, on the basis that copyrighted works can be continued in the form of Industrial Design works and Industrial Design Works also have artistic elements which are part of Copyright protection. Protection of Industrial Designs through the Copyright Law and Industrial Designs will minimize the occurrence of plagiarism and piracy of copyrighted works in the form of Industrial Designs. Disputes between Industrial Designs and Copyrights have the potential to be legally resolved" or "could be potentially resolved legally so that the purpose of legal protection from the existence of the Industrial Design Law and Copyright Law will be achieved.

References

- Barbosa, Denis Borges. 2010. "Our Proposal for Changing Brazilian Standards Relative about Industrial Designs." Brazil.
- Bently, Lionel. 2012. "The Return of Industrial Copyright Submitted." SSRN Electronic Journal.
- Djumhana, Muhamad. 1999. Aspects of Industrial Design in Indonesia.. Bandung: PT Citra Aditya Bakti.
2006. Development of Doctrine and Theory of Protection of Intellectual Property Rights. Bandung: PT Citra Aditya Bakti.
- Estelle Derclaye. 2017. Overlapping Rights. The Oxford Handbook of Intellectual Property Rights. Oxford: Oxford University Press.
- Gautama, Sudargo R, Winata. 2004. Intellectual Property Rights; New Regulations on Industrial Design. Bandung: PT Citra Aditya Bakti.
- Ghidini, Gustavo. 2019. "Cumulation of Copyright with Registration Protection of Products of Industrial Design: An Alternative Proposal." Stockholm Intellectual Property Law Review 2 (2): 1–14.
- Gusmão, José Roberto. 2015. "Industrial Design." Commercial Law Treaty 6 (1): 281–303.
- Hadi, Hernawan. 2015. "Dualism of Regulation and Understanding of Applied Art on Intellectual Property Rights." Privat Law Journal 6 (1): 47–54.

- Heymann, Laura A. 2014. "Overlapping Intellectual Property Doctrines: Election of Rights versus Selection of Remedies." SSRN Electronic Journal 17: 239–76.
- Koukal, Pavel. 2007. "Convergence of Industrial Design, Trademark and Copyright Law Department of Civil Law Dissertation Thesis Concurrence of Industrial Design Protection with Copyright and Trademark Protection" November: 2–203.
- Leite, Bruno Miguel da Silva. 2014. "Protection of Designs or Models by Industrial Property and Copyright." Minho University.
- Marzuki, Peter Mahmud. 2014. Legal Research Revised Edition. Jakarta: Kencana Prenanda Media Group.
- Muchtar A. H. Labetubun. 2011. "Legal Protection of Industrial Designs in Cyberspace (A Study of Overlapping between Copyrights and Industrial Design Rights)." Sasi Journal 17 (4).
- Sadnyini, Ida Ayu, I Gede Putu Agus Wistama Putra, A.A.A.Ngurah Sri Rahayu Gorda, and A.A.A. Ngurah Tini Rusmini Gorda. 2020. "Legal Protection of Interior Design in Industrial Design Intellectual Property Rights." Notariil Journal 6 (1): 27–37.
- Souza, Matheus Mariani D E, and Patricia Pereira Peralta. 2021. "The Cumulation Of Copyrights With Industrial Design In The Protection Of Types : A Brief Incursion in The Argentine, Chilean And Uruguay Systems" 01 (3): 64–90.
- Srikanth, Sheetal. 2017. "The Copyright-Design Conundrum: An Inquiry into the Efficacy of Sui Generis Design Laws." University of Toronto.
- Sulistianingsih, Dewi, and Bagas Bilowo Nurtantyono Satata. 2019. "The dilemma and problems of industrial design in Indonesia." Suara Hukum Journal 1 (1): 1–14.
- Tim Lindsey et. All. 2006. Intellectual property rights. Bandung: PT Alumni.
- WIPO. 2008. Look Attractive Introduction to Industrial Design for Small and Medium Enterprises. 2nd ed. WIPO.
- World Intellectual Property Office - WIPO. 2002. "Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications 9 -Industrial Designs and Their Relation With Works of Applied Art and Three-Dimensional Marks." Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications. Jenewa.
- Wy, Dave A. 2017. "Protecting and Enforcing Design Rights: United Kingdom." World Trademark Review, 2017. <https://www.worldtrademarkreview.com/portfolio-management/protecting-and-enforcing-design-rights-united-kingdom>.
- Zhang, Weijun. 2017. "Harmonization Between Copyright Protection and Design Patent Protection In China." Asian Edition.