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Industrial Design Protection in Indonesia and the European Union: A Comparative Analysis of Legal Frameworks and WIPO-Based Dispute Indicators

Moh. Mustakim Fauzan[1*], Dewi Sulistianingsih[2]
[1]*E-mail: socrates@students.unnes.ac.id*
[2]*E-mail: dewisulistianingsih21@mail.unnes.ac.id*
[1,2]*Universitas Negeri Semarang, Indonesia*
*corresponding author

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Abstract
This study examines industrial design protection through a comparative legal analysis between Indonesia and the European Union by integrating normative legal assessment with empirical indicators derived from the World Intellectual Property Organization (WIPO) IP Statistics Data Center and related WIPO statistical reports during the 2019–2024 period. The research employs a normative-comparative juridical method using statute and comparative approaches to analyze Law No. 31 of 2000 on Industrial Design and Council Regulation (EC) No. 6/2002 on Community Designs. The empirical indicators utilized include industrial design filing activity, Hague System utilization, and institutional enforcement trends related to industrial design protection. The findings demonstrate that Indonesia's industrial design regime is formally aligned with international standards but remains procedurally rigid and institutionally fragmented, particularly regarding judicial specialization, digital enforcement adaptation, and preventive protection mechanisms. In contrast, the European Union has developed a more integrated and adaptive system supported by harmonized regulations, specialized institutions, and broader utilization of international registration systems. The study further reveals that differences in enforcement effectiveness are strongly influenced by institutional integration and accessibility rather than merely normative legal conformity. Therefore, strengthening industrial design protection in Indonesia requires operational institutional reforms, digital administrative integration, and expansion of international protection mechanisms to bridge the gap between formal legal regulation and practical enforcement effectiveness.

INTRODUCTION

Industrial design protection has become increasingly significant within contemporary intellectual property systems due to its close relationship with innovation, market competitiveness, and the expansion of the global creative economy. In transnational trade, industrial designs no longer function merely as aesthetic product features, but also as strategic economic assets capable of determining commercial value and market differentiation. Consequently, legal systems are required not only to provide formal recognition of industrial design rights, but also to ensure effective enforcement, legal certainty, and institutional adaptability in responding to technological and economic developments. Although international frameworks such as the TRIPS Agreement and the Hague System under the World Intellectual Property Organization (WIPO) have promoted minimum standards of protection, important disparities remain in the implementation and enforcement of industrial design rights across jurisdictions.[1][2]

The principal academic debate within industrial design protection concerns the tension between formal legal harmonization and practical enforcement effectiveness. One perspective argues that harmonization through international standards is sufficient to establish adequate protection because states have adopted similar substantive principles regarding novelty, originality, and exclusive rights.[3] Another perspective, however, emphasizes that formal conformity does not necessarily produce equivalent legal outcomes, since the effectiveness of protection is strongly influenced by institutional capacity, judicial specialization, administrative coordination, and access to enforcement mechanisms.[4][5] This debate demonstrates that industrial design protection cannot be understood solely through statutory comparison, but must also be examined through institutional performance and dispute practices.

This theoretical tension is particularly visible when comparing Indonesia and the European Union. Indonesia adopts a registration-based industrial design regime that prioritizes formal administrative recognition as a prerequisite for legal protection. The system has contributed to the development of the national creative economy by providing legal certainty for industrial design owners. Nevertheless, institutional

[1] Gray, B. W. (Ed.). (2020). *Industrial design rights: an international perspective*. Kluwer Law International BV.
[2] Maskus, K. E. (2002). Regulatory standards in the WTO: Comparing intellectual property rights with competition policy, environmental protection, and core labor standards. *World Trade Review*, *1*(2), 135-152.
[3] Atsar, A. (2019). Legal Protection of Industrial Design Information and Communication Technology Based on Creative Economy to Improve Community Competitiveness. *Yuridika*, *34*(2), 194.
[4] Nainggolan, B. (2022). Enforcement of Intellectual Property Law in Indonesia. *IJLR: International Journal of Law Recontruction*, *6*(2), 317-330.
[5] Nurwati, N., Rusli, R. K., Roestamy, M., & Ibnu, A. R. N. (2025). Critique of Intellectual Property Law Supervision and Policy: Towards a Structured System in Indonesia. *Kosmik Hukum*, *25*(1), 95-105.

limitations continue to affect enforcement practices, particularly regarding judicial specialization, coordination among regulatory bodies, and accessibility of dispute resolution mechanisms. As a result, the implementation of industrial design protection often remains procedural rather than substantively effective in safeguarding rights holders.[6]

In contrast, the European Union has developed a more integrated regional system through the harmonization of industrial design regulations and the establishment of coordinated institutional structures. The availability of both registered and unregistered Community design protection reflects a more adaptive regulatory approach that accommodates market realities and rapid product innovation cycles.[7] In addition, the presence of specialized intellectual property institutions and judicial mechanisms contributes to greater consistency in interpretation and enforcement across member states. The European Union therefore represents a model in which regulatory integration is closely connected with institutional effectiveness.

The divergence between these two systems reflects a broader institutional problem in global intellectual property governance. While international agreements encourage normative harmonization, they do not eliminate disparities in enforcement capacity and legal accessibility.[8] The Hague System, for instance, facilitates international registration of industrial designs, yet its utilization differs substantially between developed and developing jurisdictions.[9] Similarly, dispute resolution mechanisms and preventive enforcement measures vary according to institutional readiness and technological adaptation.[10][11] These conditions indicate that the effectiveness of industrial design protection depends not only on legal substance, but also on the interaction between regulatory structures, institutional capacity, and empirical enforcement practices.

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[6] Gray, B. W. (Ed.). (2020). *Industrial design rights: an international perspective*. Kluwer Law International BV.
[7] Maskus, K. E. (2002). Regulatory standards in the WTO: Comparing intellectual property rights with competition policy, environmental protection, and core labor standards. *World Trade Review*, *1*(2), 135-152.
[8] Rohmana, R. D., Ramli, A. M., & Ramli, T. S. (2025). Harmonization of Overlapping Protection of Copyright and Industrial Design Rights: A Comparative Study of Indonesia and Australia. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, *24*(1), 6317-6332.
[9] Andiza, D., & Bintang, H. J. (2025, October). Intellectual Property Rights and Global Trade Challenges: A Comparison of Protection Systems in Indonesia and Asean Countries. In *Proceedings of International Conference on Islamic Community Studies* (pp. 2409-2416).
[10] Nasution, E. R., & Judijanto, L. (2024). Legal Strategies for Protecting Intellectual Property Rights in Business A Case Study Creative Industry in Indonesia. *The Easta Journal Law and Human Rights*, *2*(02), 80-88.
[11] Haq, H., Humaidi, M., & Muchtar, A. (2023). Industrial Design Protection in Indonesia: A Fiqh Perspective and its Challenges in Facing Communalistic Values. *Justicia Islamica*, *20*(2), 361-384

Existing scholarship has extensively discussed industrial design protection from various perspectives, including harmonization of intellectual property regimes, overlapping protection between copyright and industrial design, and legal strategies within creative industries.[12] However, previous studies generally focus on normative comparison without sufficiently addressing how legal frameworks operate empirically in dispute resolution and enforcement contexts.[13] Several recent studies concerning digitalization and artificial intelligence have also expanded discussions on intellectual property adaptation in technological environments, yet they rarely examine industrial design protection specifically through comparative institutional analysis.[14] Consequently, the current literature still lacks a comprehensive framework capable of connecting regulatory structures, institutional enforcement, and empirical indicators of dispute practices.

The research gap addressed in this article therefore does not merely concern the absence of references to WIPO data, but rather the limited integration between normative legal analysis and empirical indicators of enforcement effectiveness. Previous studies tend to evaluate industrial design protection at the level of legislation without systematically examining how dispute trends, institutional structures, and enforcement mechanisms reflect the practical operation of legal systems. This study positions WIPO-based dispute indicators and international registration statistics as supporting empirical instruments to evaluate the relationship between legal norms and enforcement realities in Indonesia and the European Union.

Based on this framework, this study aims to analyze comparatively the protection of industrial designs in Indonesia and the European Union by examining regulatory structures, institutional enforcement mechanisms, and dispute indicators derived from WIPO statistics and related international data. The study seeks to identify structural differences between the two legal systems, evaluate the effectiveness of their enforcement models, and formulate a more adaptive framework for industrial design protection in Indonesia. The theoretical contribution of this research lies in its attempt to bridge

[12] Soemitro, D. P., & Dwiyudanta, A. F. (2025, February). A Comparative Analysis of Digital Copyright Protection in the United States and Indonesia as Members of the World Intellectual Property Organization. In *Proceedings of the 2nd International Conference on Changing of Business Law (ICOCLB 2024)* (Vol. 902, p. 120). Springer Nature.

[13] Maddusila, S. F., Lanini, A., & Purnamasari, A. I. (2025). AI Revolution: The Legal Battle Between Indonesia and the European Union to Protect Copyright from Artificial Intelligence. *Hasanuddin Law Review*, 366-390.

[14] Salle, S., & Rini, W. S. D. (2025). Development of artificial intelligence regulations and implications for intellectual property rights protection. *Contemporary Issues on Indonesian Social Justice and Legal Reform*, *1*(1), 58-77.

normative legal comparison with empirical institutional analysis, thereby offering a more integrated understanding of industrial design protection beyond formal statutory harmonization.

METHODS

This study employs a normative-comparative legal research design to analyze industrial design protection in Indonesia and the European Union. The units of analysis consist of: (1) regulatory and institutional structures governing industrial design protection; and (2) empirical indicators related to registration and enforcement practices. The research applies statute and comparative approaches by examining Indonesian industrial design legislation, European Union regulations on Community Designs, and international legal instruments, particularly the TRIPS Agreement and the Hague System administered by the World Intellectual Property Organization (WIPO). Secondary legal materials include scholarly articles, legal commentaries, books, and prior studies concerning intellectual property law and comparative legal systems. The comparative indicators used in this study include protection mechanisms, institutional specialization, international registration participation, enforcement structures, and regulatory adaptability toward technological developments.

To strengthen the normative analysis, this study incorporates empirical supporting data derived from the WIPO IP Statistics Data Center and WIPO statistical publications concerning industrial design protection during the 2019–2024 period. The data include industrial design registration activity, Hague System filings, and enforcement-related indicators associated with institutional reporting and protection practices in Indonesia and the European Union. In this study, dispute trends are measured through proxy indicators related to enforcement intensity, utilization of protection systems, and institutional enforcement patterns rather than direct judicial case counting. The collected legal materials and empirical data are analyzed qualitatively through a descriptive-comparative method to evaluate how regulatory frameworks operate institutionally in practice and to formulate recommendations for strengthening industrial design protection in Indonesia.

RESULT AND DISCUSSION

1. Comparative Legal Framework of Industrial Design Protection in Indonesia and the European Union

The comparative regulation of industrial design protection in Indonesia and the European Union demonstrates different legal orientations in balancing legal certainty,

market efficiency, and institutional enforcement. In Indonesia, industrial design protection is primarily governed by Law No. 31 of 2000 on Industrial Design, which adopts a constitutive registration system requiring formal registration as a prerequisite for legal protection. Meanwhile, the European Union regulates industrial design protection through Council Regulation (EC) No. 6/2002 on Community Designs, which establishes a harmonized regional framework applicable across member states. Although both systems are influenced by the minimum standards established under the TRIPS Agreement, their implementation reflects distinct approaches regarding the scope of protection, enforcement structures, and market adaptability.[15][16]

A fundamental distinction between the two systems lies in the concept of protection itself. Under Article 2 of Law No. 31 of 2000, Indonesia protects industrial designs that are considered "new" and capable of industrial application. The novelty requirement is interpreted through a registration-based examination mechanism administered by the Directorate General of Intellectual Property. In practice, the determination of novelty remains strongly dependent on administrative examination procedures because judicial interpretation concerning industrial design disputes is still relatively limited.[17] By contrast, Council Regulation (EC) No. 6/2002 defines Community designs through broader criteria of novelty and individual character, emphasizing the overall visual impression produced on informed users. The European Union therefore adopts a more market-oriented and functional interpretation of industrial design protection.[18]

The difference becomes more apparent in relation to the forms of legal protection available to right holders. Indonesia recognizes only registered industrial design protection, meaning that exclusive rights arise only after successful registration before the competent authority. This approach prioritizes administrative certainty but may reduce flexibility for industries characterized by rapid innovation cycles. Conversely, the European Union applies a dual protection model consisting of registered Community designs and unregistered Community designs. The unregistered protection mechanism grants automatic protection for a limited period without requiring formal registration, particularly benefiting industries such as fashion, digital products, and consumer goods

[15] Gray, B. W. (Ed.). (2020). *Industrial design rights: an international perspective*. Kluwer Law International BV.
[16] Ma, B., & Yu, D. (2025). Balancing regional integration and national diversity in IP harmonization: lessons from the EU and ASEAN. *Asian Journal of Technology Innovation*, 1-20.
[17] Maskus, K. E. (2002). Regulatory standards in the WTO: Comparing intellectual property rights with competition policy, environmental protection, and core labor standards. *World Trade Review*, *1*(2), 135-152.
[18] Nainggolan, B. (2022). Enforcement of Intellectual Property Law in Indonesia. *IJLR: International Journal of Law Recontruction*, *6*(2), 317-330.

with short commercial life cycles. This mechanism reflects a more adaptive legal approach that accommodates contemporary market realities.[19]

Another important distinction concerns the duration and scope of protection. Under Indonesian law, industrial design protection is granted for ten years from the filing date without extension. The European Union, however, provides protection for registered Community designs for up to twenty-five years through renewable five-year periods, while unregistered Community designs receive shorter protection periods.[20] The broader duration and flexible structure within the European Union demonstrate a stronger orientation toward long-term commercial exploitation and regional market integration.

The comparison also reveals significant differences in institutional enforcement structures. In Indonesia, industrial design disputes are primarily resolved through the Commercial Court (Pengadilan Niaga), supported administratively by the Directorate General of Intellectual Property under the Ministry of Law. Although the Commercial Court possesses jurisdiction over intellectual property disputes, the institutional specialization and consistency of industrial design adjudication remain relatively limited compared to the European Union.[21] In contrast, the European Union benefits from specialized intellectual property institutions, including the European Union Intellectual Property Office (EUIPO) and coordinated judicial interpretation through the Court of Justice of the European Union (CJEU). This institutional integration contributes to greater consistency in interpreting infringement standards and enforcing industrial design rights across member states.

The standard of infringement also reflects different regulatory orientations. Indonesian industrial design law generally emphasizes unauthorized use or reproduction of registered designs, focusing primarily on formal ownership rights. The European Union adopts a broader infringement assessment based on whether a contested design creates a similar overall impression on informed users.[22] This standard enables a more substantive assessment of infringement and provides stronger protection against

[19] Sulistianingsih, D., Adhi, Y. P., & Pujiono, P. (2021, August). Digitalisasi kekayaan intelektual komunal di Indonesia: Digitalization of communal intellectual property in Indonesia. In *Seminar Nasional Hukum Universitas Negeri Semarang* (Vol. 7, No. 2, pp. 645-656).
[20] Musthafa, A. R. (2023). Legitimacy of The CJEU In the Settlement of Trade Mark Disputes of Non-European Union Foreign Companies: A Case Study. *Lampung Journal of International Law*.
[21] Nurwati, N., Rusli, R. K., Roestamy, M., & Ibnu, A. R. N. (2025). Critique of Intellectual Property Law Supervision and Policy: Towards a Structured System in Indonesia. *Kosmik Hukum*, *25*(1), 95-105.
[22] Kurniawan, I. G. A., Samsithawrati, P. A., Disantara, F. P., Nutakor, B. S. M., & Thuong, M. T. H. (2025). Intellectual Property Rights and Ethics: A Comparison of Philosophical Approaches in Northern and Southern Countries. *Kosmik Hukum*, *25*(1), 106-123.

imitation practices that may not be identical in technical detail but are commercially confusing in appearance.

Furthermore, the European Union demonstrates stronger integration between industrial design protection and international intellectual property systems. The EU actively utilizes the Hague System administered by the World Intellectual Property Organization (WIPO), enabling centralized international registration and cross-border protection efficiency.[23] Indonesia's participation in international registration mechanisms remains comparatively limited, reflecting institutional and strategic constraints in integrating domestic protection systems with global intellectual property governance. This disparity affects not only administrative efficiency but also the international competitiveness of industrial design protection.

The comparative analysis further indicates that the European Union has developed a more adaptive regulatory response toward technological developments and digital economic transformation. Regulatory flexibility concerning digital commercialization, online infringement monitoring, and technological innovation has become increasingly integrated within the European intellectual property framework.[24] Indonesia, while formally aligned with international standards, still faces challenges in adapting industrial design regulation to digital enforcement mechanisms and emerging technological environments.

To clarify the regulatory distinctions between both jurisdictions, the following table summarizes the principal comparative indicators:

Table 1. Comparative Legal Framework of Industrial Design Protection in Indonesia and the European Union

Aspect	Indonesia	European Union
Main Regulation	Law No. 31 of 2000 on Industrial Design	Council Regulation (EC) No. 6/2002 on Community Designs
Protection System	Registered protection only	Registered and unregistered protection

[23] Rohmana, R. D., Ramli, A. M., & Ramli, T. S. (2025). Harmonization of Overlapping Protection of Copyright and Industrial Design Rights: A Comparative Study of Indonesia and Australia. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, *24*(1), 6317-6332.

[24] Salle, S., & Rini, W. S. D. (2025). Development of artificial intelligence regulations and implications for intellectual property rights protection. *Contemporary Issues on Indonesian Social Justice and Legal Reform*, *1*(1), 58-77.

Novelty Standard	Administrative novelty examination	Novelty and individual character
Duration of Protection	10 years (non-renewable)	Up to 25 years (renewable)
Infringement Standard	Unauthorized use of registered design	Overall impression on informed users
Dispute Resolution	Commercial Court (Pengadilan Niaga)	EUIPO and specialized judicial mechanisms
International Integration	Limited Hague System utilization	Extensive Hague System utilization
Regulatory Orientation	Formalistic and procedural	Adaptive and market-oriented

The comparative findings demonstrate that Indonesia has established a formal legal framework consistent with international intellectual property standards, particularly regarding registration-based protection and exclusive rights recognition. Nevertheless, important limitations remain in terms of institutional specialization, regulatory flexibility, and technological adaptation. In contrast, the European Union has developed a more integrated and adaptive system supported by harmonized regulations, specialized institutions, and broader enforcement mechanisms. These differences indicate that the effectiveness of industrial design protection depends not only on normative conformity with international standards, but also on the institutional capacity and regulatory adaptability of each legal system.[25][26]

2. Comparative Analysis of Dispute Data and Enforcement of Industrial Design Protection

The effectiveness of industrial design protection cannot be assessed solely through normative legal frameworks, but must also be evaluated through empirical indicators reflecting enforcement practices and institutional performance. In this regard, statistical data published by the World Intellectual Property Organization (WIPO) provide an important empirical basis for understanding how industrial design systems function in practice. The comparison between Indonesia and the European Union demonstrates

[25] Andiza, D., & Bintang, H. J. (2025, October). Intellectual Property Rights and Global Trade Challenges: A Comparison of Protection Systems in Indonesia and Asean Countries. In *Proceedings of International Conference on Islamic Community Studies* (pp. 2409-2416).
[26] Dirkareshza, R., & Simanjuntak, A. A. (2023). Comparative Study of State Jurisdiction: The Protection Towards Geographical Indication at Indonesia, the EU and US. *Audito Comparative Law Journal (ACLJ)*, *4*(2), 96-107.

substantial disparities not only in registration activity, but also in enforcement capacity, utilization of international protection systems, and institutional responsiveness toward industrial design disputes.

Based on WIPO IP Statistics Data Center reports during the 2019–2024 period, the European Union consistently demonstrates significantly higher industrial design registration activity compared to Indonesia. EUIPO annually records tens of thousands of Community Design applications, particularly through the Registered Community Design (RCD) mechanism, while Indonesia records substantially lower annual industrial design filings through the Directorate General of Intellectual Property. In addition, Hague System utilization also reflects this disparity. European Union member states collectively represent one of the largest users of the Hague international registration system, whereas Indonesia's participation remains comparatively limited despite its accession to the Hague Agreement.[27] These figures indicate differences in legal utilization, institutional readiness, and international protection strategies between the two jurisdictions.

The disparity in registration and international filing activity directly affects enforcement dynamics. In Indonesia, industrial design disputes are primarily resolved through the Commercial Court (Pengadilan Niaga), which handles multiple categories of intellectual property disputes simultaneously. Although the Commercial Court possesses formal jurisdiction over industrial design cases, the relatively limited volume of industrial design litigation contributes to less developed jurisprudential consistency compared to trademark or copyright disputes.[28] The comparatively lower number of industrial design filings and reported disputes suggests that enforcement mechanisms remain underutilized, particularly due to procedural complexity, litigation costs, and limited legal awareness among rights holders.

By contrast, the European Union has developed a more integrated enforcement structure through the European Union Intellectual Property Office (EUIPO), specialized judicial coordination, and broader utilization of administrative enforcement mechanisms. The large number of Community Design applications and Hague System filings reflects not only stronger market activity but also greater legal awareness and accessibility of protection mechanisms. This institutional coherence enables more active

[27] Nainggolan, B. (2022). Enforcement of Intellectual Property Law in Indonesia. *IJLR: International Journal of Law Recontruction*, *6*(2), 317-330.

[28] Musthafa, A. R. (2023). Legitimacy of The CJEU In the Settlement of Trade Mark Disputes of Non-European Union Foreign Companies: A Case Study. *Lampung Journal of International Law*.

monitoring of infringement practices and more consistent interpretation of industrial design standards across member states.[29]

Another important distinction concerns preventive and administrative enforcement measures. In Indonesia, industrial design protection remains largely reactive, meaning enforcement generally occurs after infringement claims are filed before the Commercial Court. Preventive measures such as customs monitoring, border enforcement, and digital marketplace supervision remain institutionally limited. Conversely, the European Union has established more developed preventive enforcement mechanisms integrating customs authorities, administrative monitoring, and cross-border coordination.[30] Such measures strengthen the capacity of the legal system to respond rapidly to industrial design infringement in both physical and digital markets.

Technological developments further intensify enforcement challenges in both jurisdictions. The growth of digital marketplaces, online product distribution, and AI-assisted design reproduction has increased the complexity of industrial design infringement.[31] The European Union has begun integrating digital enforcement mechanisms and technological monitoring into its intellectual property governance framework, while Indonesia continues to face regulatory and institutional limitations in adapting industrial design protection to digital environments. Consequently, enforcement effectiveness increasingly depends not only on substantive legal norms, but also on institutional technological capacity.

The intersection between industrial design disputes and broader intellectual property issues, such as trade secrets and big data, further complicates enforcement. The increasing use of digital technologies in design creation and distribution requires legal systems to address issues beyond traditional infringement. Research on big data and intellectual property highlights the need for comprehensive legal frameworks that can accommodate technological innovation.[32] This complexity is more effectively managed within the European Union due to its integrated regulatory structure.

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[29] Sulistianingsih, D., & Kinanti, A. K. (2022). Hak Karya Cipta Non-Fungible Token (NFT) Dalam Sudut Pandang Hukum Hak Kekayaan Intelektual. *Krtha Bhayangkara*, *16*(1).

[30] Wiharta, M. R., Sriwidodo, J., Sinaulan, R. L., & Mustafa, M. (2023). The Effectiveness of Temporary Suspension on Court Practices in Efforts to Protect Intellectual Property Rights in Customs Area in Indonesia. *European Scholar Journal*, *4*(3), 29-34.

[31] Soemitro, D. P., & Dwiyudanta, A. F. (2025, February). A Comparative Analysis of Digital Copyright Protection in the United States and Indonesia as Members of the World Intellectual Property Organization. In *Proceedings of the 2nd International Conference on Changing of Business Law (ICOCLB 2024)* (Vol. 902, p. 120). Springer Nature

[32] Taufiqurrohman, M. M., Murwadji, T., & Lita, H. N. (2025). Conceptualising Big Data within the Indonesian Trade Secrets Legal Framework. *Jurnal Kajian Pembaruan Hukum*, *5*(2), 199-236.

To clarify the differences in industrial design protection and enforcement indicators, the following table summarizes comparative data based on WIPO statistics and institutional reports during the 2019–2024 period:

Table 2. Comparative Dispute and Enforcement Indicators of Industrial Design Protection Based on WIPO Statistics (2019–2024)

Indicator	Indonesia	European Union
Annual Industrial Design Filings	Thousands of filings annually	Tens of thousands of Community Design filings annually
Hague System Utilization	Limited participation	Extensive utilization
Institutional Enforcement	Commercial Court and DGIP	EUIPO and specialized judicial coordination
Preventive Enforcement	Developing	Integrated and advanced
Digital Enforcement Adaptation	Limited	More adaptive
Legal Accessibility and Awareness	Relatively limited	Higher institutional accessibility

The comparative analysis demonstrates that differences in industrial design enforcement are not merely quantitative, but also structural and institutional. The European Union's significantly higher registration activity and broader utilization of international protection systems reflect a more accessible and integrated enforcement environment. Meanwhile, Indonesia's comparatively lower filing intensity and limited international engagement indicate continuing institutional constraints in industrial design governance. These findings confirm that effective industrial design protection requires not only normative legal conformity, but also institutional specialization, preventive enforcement capacity, and data-driven regulatory adaptation capable of responding to global technological and commercial developments.

3. Legal Reformulation and Ideal Model of Industrial Design Protection

The comparative analysis between Indonesia and the European Union demonstrates that the reformulation of industrial design protection in Indonesia must move beyond general normative harmonization and focus on operational legal and institutional restructuring. Although Law No. 31 of 2000 on Industrial Design formally complies with international standards, several substantive and institutional limitations continue to weaken enforcement effectiveness and legal adaptability. In contrast, the European

Union, through Council Regulation (EC) No. 6/2002 on Community Designs, has developed a more integrated protection system characterized by regulatory coherence, institutional specialization, and administrative coordination. Consequently, legal reform in Indonesia should not only emphasize statutory conformity with international norms, but also address the operational mechanisms necessary to improve legal certainty and enforcement effectiveness.[33]

One important aspect requiring reform concerns the harmonization of overlapping intellectual property regimes. Law No. 31 of 2000 currently does not clearly regulate the relationship between industrial design protection and other intellectual property rights such as copyright and trademarks. This overlap frequently creates ambiguity regarding the appropriate legal basis for protection, particularly for product designs containing artistic and commercial elements simultaneously. Therefore, reform should specifically clarify the boundaries of protection through amendments to provisions concerning the definition, scope, and exclusivity of industrial design rights, particularly Articles 1, 2, and 9 of Law No. 31 of 2000. Comparative experience from the European Union demonstrates that clearer delineation between industrial design, trademark, and copyright regimes contributes significantly to legal certainty and reduces overlapping claims.

Institutional reform is equally necessary to strengthen dispute resolution and enforcement consistency. Industrial design disputes in Indonesia are currently handled by the Commercial Court (Pengadilan Niaga), yet the level of judicial specialization concerning industrial design remains limited because the institution simultaneously examines bankruptcy and broader intellectual property disputes. Reform should therefore include the establishment of specialized intellectual property chambers or certified industrial design panels within the Commercial Court system. In addition, technical training concerning industrial design examination, digital infringement, and comparative international standards should be systematically provided to judges and examiners under the Directorate General of Intellectual Property (DGIP). These measures would improve consistency in judicial interpretation and reduce disparities in legal enforcement.

Administrative reform also constitutes a crucial element of legal restructuring. Indonesia's industrial design registration system remains predominantly procedural and document-based, limiting efficiency in examination and monitoring processes. A more adaptive system should integrate digital registration mechanisms, online design

[33] Ma, B., & Yu, D. (2025). Balancing regional integration and national diversity in IP harmonization: lessons from the EU and ASEAN. *Asian Journal of Technology Innovation*, 1-20.

databases, AI-assisted similarity examination, and electronic monitoring systems for infringement detection. The European Union Intellectual Property Office (EUIPO) has demonstrated how digital integration can accelerate registration procedures and improve transparency. Accordingly, the DGIP should strengthen digital administrative infrastructure to facilitate faster registration, public access to industrial design databases, and integrated enforcement coordination with customs authorities and digital marketplaces.[34]

Another operational reform concerns Indonesia's participation in international industrial design protection systems. Although Indonesia has acceded to the Hague Agreement, the utilization of the Hague System by Indonesian applicants remains relatively limited compared to European Union member states. This condition reflects not only limited institutional outreach, but also insufficient awareness among domestic industries regarding international protection mechanisms. Therefore, reform should include administrative simplification for Hague applications, institutional assistance for small and medium enterprises (SMEs), and integration between national registration procedures and international filing systems. Increased participation in the Hague System would strengthen the international competitiveness of Indonesian industrial designs and improve cross-border legal protection.

The reformulation of industrial design law must also respond to technological transformation and digital commercialization. Current Indonesian legislation does not specifically regulate AI-generated industrial designs, digital design replication, or online marketplace liability concerning design infringement.[35] In comparison, the European Union has begun integrating digital governance considerations into intellectual property enforcement mechanisms. Indonesia should therefore revise industrial design regulations to include provisions concerning digital infringement standards, platform responsibility, and electronic evidence mechanisms in industrial design disputes. Such reforms are increasingly important due to the rapid expansion of digital commerce and AI-assisted design production.

Preventive enforcement mechanisms should likewise be strengthened to complement reactive litigation processes. At present, industrial design enforcement in Indonesia largely depends on post-infringement judicial action. Reform should expand

[34] Margono, S. (2024). Patent Development Strategy through PCT (Patent Cooperation Treaty) International Registration System: Challenge for Intellectual Property (IP) Attorneys in Indonesia. *Journal Edunity*, *3*(12).
[35] Hidayat, A. A., Anwari, A. N., Zulvia, R. A., & Kholid, M. (2026). Negotiating Haqq al-Ibtikar and State Patent Law: A Socio-Legal Study of Maslahah and Intellectual Property among Indonesian Muslim SMEs. *DIKTUM: Jurnal Syariah dan Hukum*, *24*(2), 138-167.

administrative preventive measures through stronger customs supervision, cross-agency monitoring coordination, and digital marketplace compliance systems. Coordination between DGIP, customs authorities, and electronic commerce regulators would allow earlier detection of industrial design violations before substantial commercial losses occur. This preventive approach reflects the enforcement model increasingly adopted within the European Union.[36]

To summarize the proposed reformulation, the following table outlines the operational dimensions of legal reform for industrial design protection in Indonesia:

Table 3. Reformulation Model of Industrial Design Protection: Current System and Operational Reform Framework

Reform Aspect	Indonesia (Current)	Operational Reform Model
Legal Harmonization	Overlapping IP protection regimes	Revision of Articles 1, 2, and 9 of Law No. 31 of 2000 to clarify scope and exclusivity
Judicial Structure	General Commercial Court system	Specialized IP chambers and certified industrial design judges
Administrative System	Conventional registration procedures	Digital registration, AI-assisted examination, integrated databases
International Integration	Limited Hague System utilization	Simplified Hague filing procedures and SME assistance programs
Digital Enforcement	Limited regulation of online infringement	Regulation of digital infringement and platform liability
Preventive Enforcement	Reactive litigation-based approach	Customs monitoring and integrated digital supervision

The proposed reformulation demonstrates that effective industrial design protection requires concrete institutional and administrative restructuring rather than merely abstract normative harmonization. Indonesia's current framework still reflects a predominantly procedural protection model, whereas the European Union has developed a more integrated system combining legal certainty, technological adaptation, and preventive enforcement mechanisms. Therefore, strengthening industrial design protection in Indonesia depends on the ability to implement operational reforms that

[36] Wiharta, M. R., Sriwidodo, J., Sinaulan, R. L., & Mustafa, M. (2023). The Effectiveness of Temporary Suspension on Court Practices in Efforts to Protect Intellectual Property Rights in Customs Area in Indonesia. *European Scholar Journal*, *4*(3), 29-34.

connect statutory regulation, institutional specialization, digital governance, and international integration within a coherent intellectual property system.

CONCLUSION

The comparative analysis demonstrates that the most decisive factor distinguishing the effectiveness of industrial design protection between Indonesia and the European Union is the level of institutional integration and specialization within their respective enforcement systems. Although Indonesia has formally aligned its industrial design regulation through Law No. 31 of 2000 with international intellectual property standards, its protection system remains predominantly procedural and fragmented due to limited judicial specialization within the Commercial Court system, weak inter-agency coordination, limited utilization of international protection mechanisms, and underdeveloped preventive enforcement measures. In contrast, the European Union, through Council Regulation (EC) No. 6/2002 and the institutional role of the European Union Intellectual Property Office (EUIPO), has developed a more integrated and adaptive system characterized by harmonized regulations, specialized enforcement institutions, broader utilization of the Hague System, and stronger responsiveness toward digital and technological developments. Empirical indicators derived from World Intellectual Property Organization statistics further reveal that the European Union demonstrates significantly higher industrial design registration activity and international filing utilization than Indonesia, reflecting stronger institutional accessibility and enforcement capacity. Therefore, the reformulation of industrial design protection in Indonesia should prioritize operational institutional reforms, including clarification of overlapping intellectual property regimes, strengthening specialized industrial design adjudication, expanding digital administrative systems, and integrating preventive enforcement mechanisms to bridge the gap between formal legal protection and practical enforcement effectiveness.

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