



The Urgency of Registering Industrial Design Intellectual Property Rights as an Effort to Increase Competitiveness in the Global Era

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Abstract: Registration of Intellectual Property Rights (IPR) for industrial designs is a crucial step in increasing product competitiveness in the global era. In the midst of increasingly fierce competition, protection of innovative designs is important to maintain the uniqueness and added value of products. IPR registration not only provides legal protection for designs, but also improves the company's image and reputation, and encourages innovation. In addition, IPR owners can take advantage of exclusive rights to explore new business opportunities and improve their bargaining position in the global market. The method used in this study is the normative research method. It is important for industry players to understand and utilize IPR registration as a primary strategy in facing the challenges of a dynamic global market. This study aims to explore the urgency of industrial design IPR registration and its impact on industrial competitiveness, as well as provide recommendations for industry players in maximizing the potential of IPR as a strategic asset. Government policies have an important role in supporting and facilitating the industrial design registration process to increase the competitiveness of local products in the international market. Industrial design registration provides legal security for design owners in running their businesses. With the legal protection provided by the Industrial Design Law, design owners can be more confident in doing business, investing in the development of new designs, and establishing business partnerships without fear of imitation or copyright infringement.

Keywords: Registration; Industrial Design; Global; Protection.

1. Introduction

In the era of globalization marked by very tight market competition, innovation and creativity are the main keys to the success of products in the international market. One important aspect that can increase product competitiveness is a unique and innovative industrial design. Industrial design not only improves the aesthetics and functionality of the product, but also reflects the identity and added value that can be a competitive advantage for the company. (Sunarto, 2020), (Al Aidhi, Harahap, Rukmana, & Bakri, 2023).

The current of economic globalization and free trade is difficult to reject and must be followed because economic globalization and free trade develop through international negotiations and agreements. (LAW, nd), (Sinaga, 2020).

However, without adequate protection, innovative industrial designs are vulnerable to imitation and plagiarism. This can be detrimental to companies that have invested in the development of the design. Therefore, registration of industrial designs is an important step to protect intellectual property rights over the designs created. (Supolo & Asri, 2022), (Susanti, 2022). Industrial design registration grants its owner exclusive rights to use and exploit the design, and prevents others from using the same design

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without permission. In addition to providing legal protection, industrial design registration also has a positive impact on increasing the economic value of products. (Nashiruddin, 2019), (Murtadho, 2024). Products that have registered designs have higher commercial value and are more in demand by consumers because of the guarantee of originality and quality. This can increase the competitiveness of products in the increasingly competitive global market. (Prawita & Akhmad Zaenuddin, nd), (Swastawati, Riyadi, Pi, Suharto, & Pi, nd).

Industrial design rights are granted to designers, according to Law No. 31 of 2000. Industrial design rights are exclusive rights granted by the Republic of Indonesia to designers for the use of their creations for a certain period of time, or for them to grant permission to others to use these rights. (MI Maulana, 2021), (Wilhelmina, 2018). For ten (10) years, protection is offered. During this time, the person who creates the right or who benefits from it can file a civil or criminal case against someone who violates his rights. Small and medium enterprises (SMEs) as well as large industries and businesses are the targets of industrial design rights protection. (Kartika, 2020), (Subekti, Lestari, & SE, 2020).

One of the countries that promises a lot to grow micro, small, and medium enterprises (MSMEs) is Indonesia. MSMEs have the ability to have a significant impact on the national economy as private economic actors. (Janah & Tampubolon, 2024), (Juwita, Ali, Widodo, & Isnanto, 2022). There are still a number of problems with the development of MSMEs, such as a lack of understanding of marketing tactics, ease of doing business, and intellectual property rights. MSMEs benefit from intellectual property rights (IPR), which are intangible assets that have economic value. (Nuramalita Hasanah, Ak, Muhtar, Indah Muliasari, & Ak, 2020), (Nazia & Widyastuti, 2023).

Because it prioritizes all its industrial products as the main export material and source of foreign exchange for the nation, industrial design plays an important role in the industrialization and economic growth of a nation. Indonesia has not fully considered this when deciding its industrial and commercial strategy, resulting in limited competition on a global scale. Thus, in the era of globalization and trade, the development of Indonesian law must be able to predict progress in all areas of people's lives. However, many companies, especially Small and Medium Enterprises (SMEs), are still not aware of the importance of industrial design registration. The challenges faced include high costs, complex administrative procedures, and lack of awareness and knowledge about the benefits of industrial design registration. For this reason, comprehensive efforts are needed from various parties, including the government, to support and facilitate the industrial design registration process. (Adz-hiya, Rizhani, Halimah, & Nirwana, 2023), (SON, 2018).

The government has an important role in creating an ecosystem that supports innovation and protection of industrial designs. Proactive policies, such as simplifying registration procedures, providing incentives and subsidies, and raising awareness through education and training, can help companies to more easily register their designs. In addition, strict law enforcement against industrial design rights violations is also a crucial factor in ensuring effective protection. (Andrias, Gani, Upara, & Stofel, 2024), (Judijanto, Prananda, Machmud, & Fauzi, 2024).

One of the countries with a strong dedication to IPR protection is Indonesia, which has long practiced it by actively participating both domestically and abroad. Even so, obstacles to Indonesian IPR enforcement cannot be completely eliminated by this involvement. At least Indonesia has made efforts to show the world that intellectual property rights (IPR) are very important and need to be protected considering current developments.

As a member of the World Trade Organization (WTO), Indonesia participated in the 1994 Uruguay Round of the GATT Multilateral Agreement and ratified it through legislation, specifically Law No. 7 of 1994 on the Ratification of the Agreement Establishing the World Trade Organization (Agreement Establishing the World Trade Organization). Therefore, Indonesia must work to uphold the basic principles of GATT, which include Trade-Related Aspects of Intellectual Property Rights (TRIPs), which basically regulates provisions in the field of Intellectual Property Rights (IPR) that must be complied with and implemented by member countries starting January 1995. (Rizkia & Fardiansyah, 2022), (IB Maulana & SH, 2020).

Many issues or violations in the field of industrial design remain despite the creation and implementation of Law No. 31 of 2000. The legal system, legal culture, legal content, and bureaucratic machinery are some of the variables that influence this problem. One of the causes of this problem is closely related to the lack of laws, such as laws relating to substance, registration, and law enforcement. Developing and enforcing legal instruments to meet the demands of societal progress is one of the challenges facing Indonesia's growth, especially in the economic sector. (Fadli & Lutfi, 2016), (Mutafarida & Anam, 2020).

With supportive policies and adequate facilities, it is expected that companies can be more active in registering their industrial designs. This will not only increase the competitiveness of local products in the international market, but also encourage economic growth through increased innovation and creativity. As a result, local products will be able to compete with products from other countries, strengthening Indonesia's position in the global trade arena.

It is now the responsibility of the global community to protect IPR issues rather than just one government. since the signing of the World Trade Organization (WTO) Agreement, in particular. To embrace globalization, intellectual property rights must be protected, especially in the field of industrial design. The economic growth of a nation can be greatly assisted by industrial design, which prioritizes all industrial products as major export components and sources of foreign exchange.

Many large business owners usually register their industrial designs. Small and medium business owners in this situation lose a lot of money if they do not register their ideas because the industrial design rights holder must be the first to file for registration.

Protection and growth of micro, small and medium enterprises (MSMEs) are two areas that are still lacking in application by Law No. 31 of 2000 which regulates Industrial Design. The purpose of the urgent amendment of Law 31/2000 is to protect the interests of local industries, especially MSMEs, in obtaining industrial design rights so that they can compete both domestically and internationally. As a result of the Paris Convention for the Protection of Industrial Property (Paris Convention) and Indonesia's

responsibility as a member of the World Trade Organization (WTO), Law 31/2000 was implemented. This has resulted in a paradigm that strongly supports the interests of investors and large entrepreneurs.

Therefore, research on the urgency of industrial design registration in order to increase competitiveness in this global era is very relevant and important. The results of the study are expected to provide useful recommendations for companies and policy makers to create a conducive ecosystem for the development and protection of industrial designs. However, even though there is a clear legal framework, the implementation of protection of industrial design rights in Indonesia still faces various challenges. These challenges arise from several aspects, such as suboptimal law enforcement, low awareness and understanding of the law among the public and industry players, and problems in implementing existing regulations.

2. Materials and Methods

The research method used in this study is the normative research method. The normative research method is a research approach that aims to study and analyze the law based on applicable norms or rules. In the context of research on the urgency of industrial design registration in order to increase competitiveness in the global era, this normative research method will focus on the analysis of laws and regulations, and government policies.

3. Results and Discussion

3.1 *The Urgency of Registering Industrial Design Intellectual Property Rights as an Effort to Increase Competitiveness in the Global Era*

In addition to helping to harmonize standards and facilitate international trade in new goods, the TRIPS Agreement directly affects the protection and enforcement of industrial designs. One of the principles of the TRIPS Agreement-based Industrial Design Law is the creation of minimum requirements for the defense of intellectual property rights related to industrial designs. This involves standardizing industrial design protection across countries to promote global trade and the sharing of creative products, as well as establishing efficient enforcement mechanisms to stop infringements of industrial design rights. In addition, member countries are required by the TRIPS Agreement to offer industrial designs a minimum duration of protection, which helps standardize practices and facilitate international trade.

In Indonesia, legal protection for industrial designs is specifically regulated by Law No. 31 of 2000 concerning Industrial Design. This law provides a legal basis for design holders to obtain exclusive rights to their designs, including the right to use, sell, or license the design to third parties. These exclusive rights aim to encourage innovation and creativity, as well as provide protection for design holders against unauthorized use or imitation that can harm them economically. With these exclusive rights, it is hoped that rights holders can feel the benefits of the designs that have been developed, while also encouraging the growth of the creative industry in Indonesia. This effective protection is also expected to reduce the practice of piracy and intellectual property rights violations that still occur, as well as create a more conducive climate for innovation and creativity in the country.

Industrial design registration is a formal process by which a unique and original design for an industrial product is registered with an authorized agency, such as a patent office or intellectual property protection agency in a country. The main purpose of this registration is to provide legal protection for the design, which includes the exclusive right to make, use, and sell products with the design for a certain period.

Furthermore, industrial design registration recognizes the intellectual property value of the design and rewards the creators for their innovation and creativity. This

encourages further innovation in product design, as creators feel more secure in investing time and resources in developing new designs.

In addition, industrial design registration also facilitates international trade by providing legal certainty to manufacturers and exporters regarding the originality of their product designs. This helps protect products from imitation and copyright infringement in the global market, which in turn increases consumer confidence and expands market access for manufacturers.

Thus, industrial design registration not only provides legal protection for product designs, but also plays an important role in encouraging innovation, enhancing market confidence, and facilitating international trade. It is an important instrument in the effort to create a fair and competitive business environment in the global market. Industrial design registration is a strategic step that can make a major contribution to improving product competitiveness in the global market. When an industrial design is officially registered, it provides strong legal protection for the originality and innovation of the design. This has a number of significant implications:

First, by having exclusive rights to their designs, manufacturers can protect their investment in design development from imitation and copyright infringement by competitors. This ensures that their products remain unique and maintain a competitive edge in the global market. Second, industrial design registration allows manufacturers to be more confident in carrying out international expansion. They can confidently market their products to foreign markets without fear of imitation or copyright infringement by others. Third, the legal protection provided by industrial design registration can be an important tool in negotiating contracts with international business partners. Manufacturers can offer licenses to use their designs to others, which can be a source of additional revenue and expand the reach of their products to new markets. Fourth, industrial design registration can improve the brand image and reputation of manufacturers in the eyes of consumers. Consumers tend to place more value on products that have unique and innovative designs, and are legally protected.

Thus, registration of industrial design is not only an administrative step, but also a smart business strategy to increase the competitiveness of products in the global market. It strengthens the position of manufacturers in the increasingly fierce global competition and enables them to achieve sustainable success in the ever-evolving global economy. Registration of industrial design has a significant effect that is closely related to the Law (UU) on Industrial Design. This Law aims to provide legal protection for industrial designs and provide a framework for regulating rights related to such designs.

Industrial design registration can provide strong legal protection for the design. The Industrial Design Act establishes exclusive rights for the design owner, such as the right to make, use, and sell products with the design. This ensures that industrial designs are protected from imitation and copyright infringement by others. Furthermore, industrial design registration helps prevent copyright infringement. According to the Industrial Design Act, other parties are not allowed to produce, use, or sell products that have a design that is similar to or imitates a registered design without permission from the design owner. This helps maintain the integrity of the design and prevents unfair competition in the market.

In addition, industrial design registration provides legal security for design owners in running their businesses. With the legal protection provided by the Industrial Design Law, design owners can be more confident in doing business, investing in the development of new designs, and establishing business partnerships without fear of imitation or copyright infringement.

Therefore, registration of industrial designs not only provides legal protection for the design, but also creates a fair and competitive business environment. Through the Industrial Design Law, industrial designs are recognized as valuable assets and innovation and creativity in design are encouraged and rewarded. This is an important step in supporting economic growth and industrial development in a country. Although Law No. 31 of 2000 concerning Industrial Design has provided a clear legal framework for the

protection of industrial designs, its implementation faces several significant challenges. First, awareness and understanding of the importance of industrial design registration among business actors, especially in the small and medium enterprise (SME) sector, is still very low. Many business actors are not yet aware that industrial design registration can provide strong legal protection for their innovations and creations. As a result, many designs remain unregistered and unprotected by law, opening up opportunities for infringement of design rights. Second, the industrial design registration procedure is often considered complicated and expensive, becoming a barrier for many business actors. The lengthy administrative process and costs associated with registration can deter business actors, especially SMEs, from registering their designs. This raises concerns that many designs that have the potential to have high economic value do not get the protection they deserve. Third, law enforcement against industrial design violations in Indonesia is still ineffective. Weak supervision by authorities and the low success rate of lawsuits related to industrial design rights violations indicate the need for improvement in the law enforcement system.

Furthermore, the lack of strict and consistent sanctions for violators also adds to the challenges in maintaining industrial design protection. Therefore, further efforts are needed to raise awareness, simplify the registration process, and strengthen law enforcement so that protection of industrial designs can be implemented optimally. Intellectual property rights often provide protection for industrial designs, especially in relation to patents and copyrights. The artistic and aesthetic qualities of a design are protected by copyright, but any technical advances that may be included in the design are protected by patents. Industrial design owners have the sole right to use and profit from their creations under both forms of protection, which also stops unauthorized use.

Establishing minimum requirements for the protection of intellectual property rights relating to industrial designs is one of the principles upheld by the Industrial Design Law, which is based on the TRIPS Agreement. This requires the establishment of efficient enforcement protocols to stop infringements of industrial design rights and the standardization of industrial design protection across countries to promote global trade and the sharing of creative goods. To facilitate international trade in new goods and to harmonize standards, the TRIPS Agreement also mandates that member governments grant industrial designs a minimum period of protection.

Furthermore, the government can provide efficient and affordable administrative services through local patent or intellectual property protection agencies. By simplifying the registration process and reducing administrative costs, the government facilitates easier access for industrial design owners, especially for small and medium-sized businesses that may have limited resources. In addition, the government can provide fiscal incentives or economic stimulus to industrial design owners who register their designs. These incentives can take the form of tax exemptions or subsidies for registration fees, which can encourage more people to register their designs and expand the base of legally protected industrial designs.

Furthermore, the government can promote awareness of the importance of industrial design protection through information and socialization campaigns. By increasing public understanding of the value and benefits of industrial design registration, the government can motivate more creators to protect their works and increase the presence of local designs in the international market.

Finally, the government can play a role in facilitating cooperation between industrial design owners and related industrial sectors, such as manufacturing or trade. Through technical support or training programs, the government can help design owners to integrate their designs into the production and marketing processes of products, thereby increasing the added value and competitiveness of local products in the international market. More intensive socialization and education programs are also very important to provide a better understanding of the importance of registration and the steps that must be taken. Thus, it is hoped that more design owners will be motivated to register their

designs, so that their rights can be legally protected and encourage innovation in Indonesia.

Thus, government policies that support and facilitate the industrial design registration process can be an important instrument in increasing the competitiveness of local products in the international market. This creates an environment conducive to innovation and creativity, which in turn encourages economic growth and sustainable industrial development. The reality on the ground related to the industrial design registration process can vary depending on the policies and practices in each country or jurisdiction. However, there are some common challenges and realities that industrial design owners often face during the registration process, including: (a) Cost and Bureaucracy: One of the main challenges is the cost and complexity of the industrial design registration process. Administrative costs and registration fees can be a barrier for design owners, especially for small and medium-sized businesses that may have limited financial resources. In addition, complicated and lengthy bureaucracy can slow down the registration process, which ultimately extends the time and costs involved. (b) Resource Limitations: Industrial design owners may not have sufficient knowledge or resources to understand and follow the registration process properly. This can include a lack of understanding of the document requirements, the steps to be taken, or even a lack of access to competent legal assistance or consultants. (c) Legal Uncertainty: In some countries, legal uncertainty regarding the protection and enforcement of industrial design copyright can be challenging. Weak legal systems or lack of effective enforcement can leave design owners vulnerable to copyright infringement and imitation by others. (d) Time Involved: The process of registering an industrial design can be time-consuming, especially if there are delays or delays in the examination of applications or the issuance of registration certificates. This can be problematic for design owners who want to protect their designs quickly or gain market access quickly. (e) Challenges in Enforcement: Even if industrial design owners have successfully registered their designs, challenges remain in enforcing copyright and legal protection. The process of enforcing design copyright infringement can be complex and expensive, and design owners may need additional resources to pursue infringement.

By understanding this reality, governments and relevant agencies can take steps to improve and simplify the industrial design registration process, and provide the support and resources needed by design owners. This includes providing clear guidance and information, reducing excessive bureaucracy, and increasing access to legal assistance and consultation for design owners.

Government policies have an important role in supporting and facilitating the industrial design registration process to improve the competitiveness of local products in the international market. One step that can be taken is to provide fiscal incentives for industrial design owners who register their designs. These incentives can take the form of tax exemptions or subsidies for design registration fees, thereby encouraging more people to formally protect their creative works. In addition, the government can strengthen the legal and administrative infrastructure that supports industrial design registration. This includes providing an easily accessible online platform for filing registration applications, as well as simplifying administrative procedures and increasing efficiency in handling registration applications. This will make it easier for design owners to access and navigate the registration process.

Promotion and support for innovation are also important aspects of government policy in supporting industrial design registration. Through funding and training programs, the government can encourage the development of unique and innovative designs. In addition, cooperation between design owners, research institutions, and related industrial sectors can be enhanced to facilitate the exchange of knowledge and experience, as well as expand marketing opportunities for local products to international markets. In this regard, education and awareness-raising about the importance of industrial design protection are also important parts of government policy. Through information and education campaigns, the public can be given a better understanding of copyright

and intellectual property protection. This can help raise awareness among design owners about the need to register their designs and protect their creative works from imitation or copyright infringement by others.

Thus, government policies that support and facilitate the industrial design registration process will not only strengthen legal protection for local designs, but will also encourage innovation and creativity among design owners. This will contribute to increasing the competitiveness of local products in the international market and ultimately, support sustainable economic growth.

4. Conclusions

Research Industrial design registration is a crucial step for industry players to protect innovation and create added value to their products. With this registration, companies can maintain intellectual property rights, increase market appeal, and encourage sustainable innovation. In the context of increasingly tight global competition, registered designs also help strengthen the position of local products and increase investor confidence. Therefore, industrial design registration is not just an administrative step, but an important strategy to ensure sustainable competitiveness in the international market. Registration of industrial design rights is considered very important in efforts to enter global competitiveness and provide legal protection for inventors. Legal protection is provided as a guarantee of a sense of security that the inventions found will not be plagiarized by others.

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