

## ABSTRAK

### ANALISIS YURIDIS GUGATAN PEMBATALAN PENDAFTARAN DESAIN INDUSTRI GENSET KOPER OLEH PEMEGANG *LETTER OF AUTHORIZATION*

(Studi Putusan Nomor: 78/Pdt.Sus-HKI/Desain Industri/2022/PN Niaga  
Jkt.Pst)

Oleh

**RONANG TIO RUMAPEA**

Undang-Undang No. 31 Tahun 2000 tentang Desain Industri mengatur mengenai 3 pihak yang berhak untuk mengajukan gugatan pembatalan pendaftaran Desain Industri. Pihak tersebut adalah Pemegang Hak Desain Industri, Pemegang Hak Lisensi dan Pihak yang Berkepentingan. CV. Rajawali Diesel selaku pemegang *Letter Of Authorization* mengajukan gugatan mengenai pembatalan pendaftaran Desain Industri Genset Koper milik Tommy Admadiredja sebagai pihak yang berkepentingan. Pengadilan Niaga Jakarta Pusat mengeluarkan Putusan Nomor: 78/Pdt.Sus-HKI/Desain Industri/2022/PN Niaga Jkt.Pst yang isinya adalah mengabulkan gugatan Penggugat untuk seluruhnya. Permasalahan penelitian ini mengenai dasar pertimbangan hakim terhadap kedudukan hukum pemegang *letter of authorization* pada Putusan Nomor: 78/Pdt.Sus-HKI/Desain Industri/2022/PN Niaga Jkt.Pst dan bagaimana akibat hukum yang ditimbulkan dari Putusan Nomor: 78/Pdt.Sus-HKI/Desain Industri/2022/PN Niaga Jkt.Pst terhadap para pihak yang bersengketa.

Penelitian ini adalah penelitian hukum normatif dengan tipe penelitian deskriptif. Pendekatan masalah menggunakan pendekatan kasus (*case approach*). Data yang digunakan adalah data sekunder yang terdiri dari bahan hukum primer, sekunder dan tersier. Pengumpulan data dilakukan dengan studi dokumen. Pengolahan data dilakukan dengan cara seleksi data, klasifikasi data dan sistematisasi data. Analisis data menggunakan analisis kualitatif.

Hasil penelitian dan pembahasan adalah berdasarkan pertimbangan hakim, CV. Rajawali Diesel memenuhi kualifikasi untuk mengajukan gugatan sebagai pihak yang berkepentingan karena merupakan perusahaan yang mendapatkan izin melalui *Letter of Authorization* untuk mengimpor, menjual dan memperdagangkan genset

genkii yang Desain Industrinya ditiru oleh Tommy Admadiredja. Pertimbangan hakim tersebut juga tidak lepas dari fakta bahwa Indonesia dan China sama-sama terikat dengan perjanjian TRIPs. Walaupun pihak Tergugat yang mendaftarkan pertama kali di Indonesia (*first to file*), Sesuai dengan ketentuan dalam pasal 38 Undang-Undang Nomor 31 Tahun 2000 Tentang Desain Industri, bahwa gugatan pembatalan pendaftaran Desain Industri dapat diajukan oleh pihak yang berkepentingan, sehingga putusan tersebut sudah tepat dan sesuai dengan undang-undang. Akibat hukum dari Putusan Nomor: 78/Pdt.Sus-HKI/Desain Industri/2022/PN Niaga Jkt.Pst yaitu batal demi hukum Desain Industri Genset Koper milik Tommy Admadiredja karena terbukti tidak memiliki unsur kebaruan, sehingga Majelis Hakim memerintahkan DIRJEN KI selaku turut tergugat untuk mencoret Desain Industri Genset Koper dari Daftar Umum Desain Industri.

**Kata Kunci: Desain Industri, Gugatan, Pembatalan, *Letter Of Authorization*.**

**ABSTRACT****JURIDICAL ANALYSIS OF THE LAWSUIT FOR CANCELLATION OF THE REGISTRATION OF THE INDUSTRIAL DESIGN OF SUCH GENERATORS BY LETTER OF AUTHORIZATION HOLDERS (Decision Study Number: 78/Pdt.Sus-HKI/Desain Industri/2022/PN Niaga Jkt.Pst)****By****RONANG TIO RUMAPEA**

*Law no. 31 of 2000 concerning Industrial Designs regulates 3 parties who have the right to file a lawsuit for cancellation of Industrial Design registration. These parties are Industrial Design Rights Holders, License Rights Holders and Interested Parties. CV. Rajawali Diesel as the holder of the Letter of Authorization filed a lawsuit regarding the cancellation of the registration of the Koper Generator Industrial Design belonging to Tommy Admadiredja as an interested party. The Central Jakarta Commercial Court issued Decision Number: 78/Pdt.Sus-HKI/Desain Industri/2022/PN Niaga Jkt.Pst, the contents of which were to grant the Plaintiff's lawsuit in its entirety. The problem of this research is regarding the basis of the judge's consideration of the legal position of the letter of authorization holder in Decision Number: 78/Pdt.Sus-HKI/Desain Industri/2022/PN Niaga Jkt.Pst and what are the legal consequences resulting from Decision Number: 78/Pdt. Sus-HKI/Industrial Design/2022/PN Niaga Jkt.Pst towards the parties to the dispute.*

*This research is normative legal research with descriptive research type. Approaching the problem uses a case approach. The data used is secondary data consisting of primary, secondary and tertiary legal materials. Data collection was carried out by document study. Data processing is carried out by means of data selection, data classification and data systematization. Data analysis uses qualitative analysis.*

*The results of the research and discussion are based on the considerations of the judge, CV. Rajawali Diesel as the holder of the Letter of Authorization meets the qualifications to file a lawsuit as an interested party. panel of judges In considering the legal position of the holder of this Letter of Authorization, we use the jurisprudence of the Supreme Court Decision Number 748 K/Pdt.Sus-HKI/2019*

*relating to interested parties and the jurisprudence of the Supreme Court Decision Number 793 K/Pdt.Sus-HKI/2020 relating to The interests. The results of the research and discussion are based on the considerations of the judge, CV. Rajawali Diesel meets the qualifications to file a lawsuit as an interested party because it is a company that has obtained permission through a Letter of Authorization to import, sell and trade generators genkii whose Industrial Design was imitated by Tommy Admadiredja. The judge's considerations also cannot be separated from the fact that Indonesia and China are both bound by the TRIPs agreement. Even though the Defendant was the first to register in Indonesia (first to file), in accordance with the provisions in Article 38 of Law Number 31 of 2000 concerning Industrial Designs, a lawsuit for cancellation of Industrial Design registration can be filed by interested parties, so the decision is appropriate. and in accordance with the law. Of the reported party in the alleged criminal case of industrial design, as well as the legal consequences resulting from the parties involved in the dispute, namely the declaration as null and void with all the consequences, the Industrial Design for the Suitcase Generator belonging to the defendant, so that the Panel of Judges ordered the DIRJEN KI as a co-defendant to strike down the Industrial Design for the Suitcase Generator. from the General Register of Industrial Designs.*

***Keywords: Industrial Design, Lawsuit, Cancellation, Letter Of Authorization.***