

THE URGENCY OF REGISTERING SKINCARE PRODUCT PACKAGING DESIGNS TO PREVENT UNFAIR BUSINESS COMPETITION

Kholifatul Muna¹ Aditya Andela Pratama²

Faculty of Law, Diponegoro University, Semarang

¹e-mail: cholipatulmuna55@gmail.com

²e-mail: adityaandela768@gmail.com

Abstract

The viral skincare trend encourages business actors to compete to launch products with innovations in content, benefits, and attractive packaging designs including materials, shapes, colors, and logos to attract consumers' attention and differentiate their products from others. However, the reality is that practices such as product counterfeiting, brand imitation, and similar packaging often occur. This not only harms genuine business actors, but also confuses consumers and damages market reputation. The purpose of this study is to analyze and identify product packaging design registrations to prevent unfair business competition. This research uses a normative juridical method by examining regulations and related legal literature. Various approaches are used to compare regulations and analyze packaging design protections. The results of this study show the importance of registering packaging designs as industrial designs or three-dimensional brands to prevent unfair business competition and protect owners from imitation and abuse. In addition, the revision of the Industrial Design, Business Competition, and Consumer Protection Law is needed so that regulations are in line with the development of the beauty industry and provide more optimal legal protection for business actors.

Keywords: *Registration, Packaging Design, Skincare, Business Competition, Unhealthy.*

INTRODUCTION

In this era of globalization and digitalization, business competition is increasingly fierce in various industrial sectors, including the cosmetics and skincare industry. Skincare products are one of the products that are in great demand by consumers, especially women, but in their development men are also beginning to realize the importance of using *skincare* products to take care of health and overcome various skin problems because of frequent outdoor activities that can cause problems with the skin. The form of *skincare products* can be in the form of creams, *lotions*, toners, cleansers, moisturizers, serums, and many

others until various viral skincare trends emerge through social media platforms (Tjayadi, 2023). This trend encourages many business actors to compete to launch the latest skincare products with various advantages and innovations including in the content and benefits they have, besides that business actors also need to pay attention to the form of attractive packaging design both in terms of the type of materials used, shapes, colors, images and writings used as brands/logos of the products sold or an attractive packaging in marketing their products that aims to attract prominent visual appeal to a product issued by a business actor in this case so that it is



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differentiated from other products (Saputro et al., 2022).

The design of product packaging produced by business actors has an important role in showing the brand identity of the product. In an effort to advance the industrial sector, industrial design plays a strategic role as a form of intellectual property rights. This is regulated in Law Number 31 of 2000 concerning Industrial Design. Article 1 of the Law defines industrial design as a creation in the form of shapes, configurations, or composition of lines, colors, or a combination of both, which is three-dimensional or two-dimensional, gives an aesthetic impression, and can be realized in three-dimensional or two-dimensional patterns to produce products, industrial commodity goods, or handicrafts (Sinaga, 2021).

Behind the success and popularity of viral *skincare* products, there are various challenges that must be faced by business actors. One of the biggest challenges is unfair business competition. Practices such as product counterfeiting, brand imitation, and similar packaging are common. This is not only detrimental to genuine business actors, but also confuses consumers and damages market reputation (Sumanti, 2022).

Based on this, it is being discussed on social media platforms as experienced by the *Owner of Daviena Skincare*, feeling that the product she owns is imitated by the *burgundy* red packaging design by the *Owner of Maydooza*. The product that is imitated is *Hand Body Lotion Dosting*. Although the composition of the content is different. However, this confuses consumers and becomes a material for comparing which product is better. In

addition, the packaging design of *clay mask stick products* from the *Skintific brand* and the *Glad2Glow brand* has similarities and is often compared because it uses the same main ingredient that is beneficial for the skin. Then the packaging design of *cushion products* from the *Glad2Glow brand* and the *True to Skin brand* has similarities both in terms of shape and color so that it is also often used as a comparison material and other similar products in the *skincare* and cosmetics industry.

This phenomenon is justified by research conducted by Defi Arika, et al. that the number of manufacturers or sellers who market their products on *marketplaces* such as Tiktok Shop, Shopee, and Lazada attack each other and alludes to the products they produce have similarities with each other (Arika et al., 2023). The case that has become a legal dispute in the courts in Indonesia is between MS Glow and PS Glow because of the similarity of the name and packaging on their products. As a result of this incident, many other *skincare* business actors also compared their products with other products, not only in terms of the shape and color of the packaging design but also the composition of the ingredients they have, which ultimately caused the business environment in the *skincare* world to be unhealthy (Saputri et al., 2023). Branding also includes imitation of industrial design. Industrial design is an important part of brand identity. Therefore, imitation of designs for similar or non-similar products is still detrimental to the owner of the original design and related brands. (Wijaya, 2020)

Based on international *fashion* news, one of the international cases related to design in a product produced or produced by business actors, namely *Brand Forever 21, Inc.* and a group of its suppliers in Oregon has been involved in a trademark infringement case of "Three Lines" registered by *Adidas* since 2006. This case occurred in 2017. *Adidas* accused *Forever 21* of committing design violations for imitating *Adidas*' three-line mark, which could lead to consumer confusion and public fraud as well as unfair business competition, by showing *Forever 21*'s trousers and shorts products have the "Three lines" mark. So *Adidas* ordered *Forever 21* to stop selling products and demand compensation (Cassidy Mantor, 2017). Therefore, business actors need to understand good business ethics by ensuring that every product produced does not indicate imitation or counterfeiting of other business actors' products. This is important to create a fair business ecosystem while preventing unfair business competition.

In Law Number 8 of 1999 concerning Consumer Protection, prohibitions for business actors are regulated as stated in Article 8 paragraph (1) letter (a) "*business actors are prohibited from producing or trading goods/services that do not meet or do not comply with the required standards*". This provision is general, but it remains relevant in the case of packaging imitation, as it can mislead consumers regarding the origin or identity of the product and may be considered a violation of the provisions of the law. Meanwhile, Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition, is regulated in Article 19

that business actors are prohibited from refusing or obstructing other business actors from running similar businesses in the market, or killing competitors' businesses so as to cause monopoly and unfair business competition. Including imitation of product packaging designs that can harm the original business actors so that they trigger unfair business competition.

This research is different from previous research. As a study conducted by Allya Ramadhina (2022) regarding the Influence of Packaging Design, Product Variety, and Product Quality on Consumer Buying Interest that packaging designs that are in accordance with the function and beneficial for consumers can increase consumer buying interest. And product variety and product quality have a positive effect on buying interest to increase consumer confidence (Ramadhina & Mugiono, 2022). Then research conducted by Almira Devira Putri (2023) regarding Packaging Design Strategy as an Effort to Increase the Marketability of MSME Products in Labuhan Village in Bandarlampung that attractive packaging design is very important, including the elements in it in the current era to increase product competitiveness in marketing (Putri et al., 2023).

Furthermore, research conducted by Faizul Kirom (2024) regarding the Legal Protection of Intellectual Property Rights over Industrial Brand and Design Rights in Culinary Businesses in Indonesia shows that the impact of imitating industrial brands and designs without the permission of intellectual property rights holders in a culinary business can damage consumer trust, reduce business

competitiveness and hinder innovation which can cause financial and reputational losses for intellectual property rights owners (Kirom & Trihastuti, 2024). Thus, product packaging design is very important to reflect the brand identity owned by business actors so that packaging needs to be well designed to increase recognition and make it easier for consumers to recognize products from these business actors.

Based on this, what distinguishes this study from the previous research is the focus of the study to be studied, namely the urgency of registering skincare product packaging designs to prevent unfair business competition. So that not only trademark registration is important to register, but also product packaging design as a strategic step to protect intellectual property rights. By registering a product packaging design, business actors get legal protection that can be used to sue for infringement and protect their products from imitation. In addition, this registration also helps create a unique and trusted identity in the eyes of consumers (Rafli & Apriani, 2022).

Legal protection of product packaging design has been regulated through Law Number 31 of 2000 concerning Industrial Design. However, the awareness of business actors to register their product packaging designs is still low, which causes packaging designs to be vulnerable to imitation and can trigger unfair business competition. In addition, there is currently no regulation that specifically protects product packaging design in certain contexts, such as the skincare industry. Therefore, a more in-depth analysis is needed to encourage the strengthening of these legal

protections, so that business actors can be protected and create a fairer business climate.

In the midst of this viral skincare trend, it shows the importance of registering product packaging designs to prevent unfair business competition. When *skincare* products go viral, the risk of counterfeiting and imitation increases, so legal protection through packaging design registration becomes vital. Thus, the urgency of product packaging design registration for business actors cannot be ignored. The legal protection provided through this registration not only protects the intellectual property rights of business actors, but also helps create a healthier and more competitive business environment (Muna & Santoso, 2024).

In the context of the fast-growing skincare industry, it is important for businesses to be aware of potential risks and take proactive steps to protect their business. Viral *skincare* products have great appeal but are also vulnerable to various forms of violations. Therefore, registration of packaging designs can be a top priority in business strategy. Through this study, it is hoped that business actors understand how important legal protection is in maintaining the sustainability and success of their business, especially in the registration of product packaging designs. So the purpose of this study is to analyze the urgency of registering skincare product packaging designs to prevent unfair business competition.

That way, business actors can be better prepared to face market dynamics and ensure that their products remain the first choice of consumers without the risk of imitation and counterfeiting by increasing creativity and innovation

through research and development to create unique and innovative packaging designs by collaborating with professional designers to produce attractive product packaging design works by highlighting strong design elements for reflecting their brand identity in order to be able to compete and prevent unfair business competition between other business actors.

RESEARCH METHODS

This study uses a normative juridical method by examining legal literature related to laws and regulations and other legal materials relevant to the issues discussed, including consumer protection laws, monopolies and unfair business competition, brands and geographical indications, and industrial design. The normative legal approach used includes the *Statute Approach* to examine regulations related to the problem, *the Analytical Approach* to analyze the urgency of packaging design registration in the skincare industry, *the Conceptual Approach* to understand the importance of packaging design protection, *the Comparative Approach* to compare relevant regulations in this study, and *the Case Approach* to research cases of product imitation related to this research. The combined approach aims to analyze legal issues, and provide recommendations for regulatory improvements, as well as solutions to potential violations of packaging design rights in the *skincare industry*.

This study is descriptive analytical, aiming to analyze the urgency of registering skincare product packaging designs to prevent unfair business competition, through case studies on viral

skincare product trends. The scope of this research includes a study of packaging design regulations in the context of the *skincare industry*, as well as the application of consumer protection principles and healthy business competition. The data used are secondary data obtained through literature studies, including primary legal materials (laws and regulations), secondary legal materials (scientific articles, journals, websites, and others), and tertiary legal materials (legal dictionaries, Indonesian dictionaries). The data collection technique is carried out by studying and inventorying relevant legal materials. The data analysis method used is a qualitative method, by compiling data in the form of a logical and systematic description to draw conclusions, from the general to the specific. (Armia, 2022).

RESULTS AND DISCUSSION

In the era of globalization that is increasingly developing, the advancement of technology and information has brought significant changes in various aspects of human life in this case everything has become more accessible and workable, without having to spend a lot of effort, time, and thought. Just by utilizing a smartphone or other electronic device to access the internet, everything is already available and easier to do. This advanced technology and fast information enable individuals and organizations to innovate and create high-value intellectual works. However, there are challenges that must be faced related to the protection of intellectual property rights (IPR), such as technological innovation, product design, artwork, and digital content is very vulnerable to plagiarism and misuse by

irresponsible parties. Therefore, IPR registration is very important to protect the rights of creators and ensure that they get proper recognition and rewards for their works (Lazuardi & Gunawan, 2024)

Intellectual property is the result of human intelligence and thinking. Intellectual Property Rights are given to individuals who are able to create intellectual works. Because not everyone has optimal intellectual abilities and can produce intellectual property. Therefore, intellectual property rights are exclusive and require legal protection to prevent abuse and ensure that the rights of creators are respected. This protection not only rewards intellectual effort, but also encourages further innovation and creativity. (Valerie & Horman, 2019)

With the advancement of information technology, this has a positive impact on the IPR registration process through digital platforms provided by the government and related institutions so that the process is easier and more efficient to access, especially for small and medium enterprises (MSMEs) and startups to protect their innovations. Not only does it protect the rights of creators, but it also encourages innovation, strengthens the economy, and creates a healthy ecosystem among business actors (Zebua, et al. 2023). The IPR registration process is supervised and managed by the Ministry of Law and Human Rights through the Directorate General of Intellectual Property (DJKI) which is responsible for managing, processing, and protecting intellectual property rights in Indonesia. In this case, IPR includes copyrights, patents, trademarks, trade secrets, geographical indications, plant varieties,

topography of integrated circuits and industrial designs (Sinaga, 2020).

Each category of IPR has different regulations and procedures and requires a lot of money over a long time, but this is very important to provide protection (Balqis & Santoso, 2020). IPR registration is very important to prevent others from imitating, using or claiming their work as their own. Such as product packaging design. are often imitated by other business actors because they have a visual appeal that can attract consumers (Andhika & Baihaqi, 2023). So that the registration of packaging designs is very important because it is part of intellectual property rights (industrial design) which can provide legal protection if there are products that are indicated to be imitated. This is done to maintain the integrity of product packaging design and consumer trust in their brand (Suryasaladin, 2020). According to Ok. Saidin, industrial design is part of intellectual property rights. The protection of industrial design is based on the concept of thinking that the birth of industrial design is inseparable from the ability to create creativity, taste, and karsa possessed by humans, it is a product of human intellectuals, a product of human civilization (Ok. Saidin. 2004).

Product packaging design is one of the categories of three-dimensional industrial design that has aesthetic value and can be registered as an industrial work. Packaging design includes a variety of elements, such as shapes, structures, configurations, as well as line and color compositions. According to Sandy et al. that packaging is a creative design that combines shapes, structures, materials, colors, imagery, typography, and other design elements with product information,

so that products can be marketed more effectively. Packaging not only serves as wrapping, but also protects, ships, removes, stores, identifies, and distinguishes products in the market (Pratama et al., 2023).

Having an attractive packaging design can increase the attractiveness of the product and influence purchases, so business actors need to consider various things, such as ease of use, beauty, and compatibility with the brand image. In addition, it is also important to think about legal protection so that unique and creative packaging designs are not easily imitated or violated by other parties.

The process of registering a packaging design on a product as an industrial design can submit an application to the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights, then DJKI will conduct an administrative examination to ensure the completeness of the document and will be examined substantively whether the design meets the protection requirements, including novelty and originality. After that, if it passes the examination, the design will be published and provide an opportunity for a third party to file an objection. If there are no objections or objections have been resolved, then the DJKI will issue an industrial design registration certificate (Kusmawati, 2024).

By registering product packaging designs as industrial designs, companies or business actors can protect innovation and strengthen their position in the industrial market, so that no one dares to imitate or abuse them because the packaging design already has legal protection. A designer will have the right

to use the industrial design for himself or to another party based on his or her consent for a certain period of time. In this case, registration is an absolute requirement for the existence of industrial design rights. The registration system for industrial design protection is referred to as *the first to file system*, that is, if the designer does not register his design work, then he will not get protection. Without registration, there would be no rights to industrial designs, and no protection. And the requirements for a work to be registered and receive legal protection must meet the elements of novelty to avoid similarities in the work (Dina Susiani, 2019).

As a country of law, Indonesia regulates unfair business competition through Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition, which was then amended through Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. Regarding product packaging design, which is part of Intellectual Property Rights (IPR), this law is still ineffective in handling disputes arising from unfair competition in the use of product packaging design. In Article 50, the law provides exceptions to several types of agreements, including those relating to intellectual property rights such as licenses, patents, trademarks, copyrights, industrial designs, integrated electronic circuits, and trade secrets, as well as franchise agreements. The article does not explain in detail what types of agreements can be excluded, thus creating the potential for multiple interpretations and

requiring further explanation of each clause so that there is no difference in interpretation with the lawmakers.

Generally, companies that own intellectual property rights, such as trademarks or product packaging designs, will license the other party through a license or franchise agreement to use the brand or design within the specified limits. However, in some cases, the licensee or franchisee does not comply with the agreement or violates the agreed boundaries, for example by slightly changing the design elements of the packaging or branding, but still imitating a visual image that is very similar to the original product. Cases that have occurred, such as in fast food franchise companies operating in Indonesia, where the franchise is imitated by other unaffiliated business actors. These business actors imitate logos, packaging, and even very similar branding concepts, which ultimately confuse consumers about genuine and fake products. In this case, even if the imitating company is not explicitly violating the franchise or licensing agreement, they are still engaging in practices that can harm the original brand by disrupting the market and misleading consumers.

Based on this, it shows that there are some actions or activities that, although in theory can be included in the category of monopoly or unfair business competition, are considered legitimate by law and do not violate the rules. Because not all types of agreements involving intellectual property rights are described in detail in the law, business actors can take advantage of this loophole to avoid provisions that would otherwise limit monopoly or anti-competitive practices.

This also happens in the world of skincare, where some business actors use packaging designs that are almost identical to well-known products, because they are not clearly regulated regarding the limits of designs or brands that can be used.

In addition, Law Number 8 of 1999 concerning Consumer Protection also does not specifically regulate IPR violations by business actors. This becomes a problem in cases involving infringement of rights to packaging designs or trademarks. In some situations, business actors who imitate other product designs or brands may not directly violate consumer protection laws because there are no clearer regulations regarding aspects of IPR, so they cannot be ensnared with existing provisions (Julius Rizaldi, 2024).

Based on research conducted by Herlin Kusmawati (2024), there has been no industrial design registration in Malang Regency because there has been no socialization from the relevant agencies. The Discoperindag has just learned that product packaging designs can be registered with the Directorate General of Intellectual Property Rights (DJKI). So far, Discoperindag has only acted as an intermediary for MSME product owners to register their trademarks. This shows a lack of knowledge and socialization from the Discoperindag regarding industrial design registration so that business actors do not know about the importance of the registration (Kusmawati, 2024). The following is the detailed procedure for registering industrial designs, as follows:

1. Application Submission:
 - a) The application for registration of industrial designs is submitted in

- writing in Indonesian to the Directorate General of Intellectual Property Rights (DJKI) by filling out a quadruple form and paying the predetermined fee.
- b) The application must contain the following information:
 - 1) Date, month, and year of the application letter;
 - 2) The applicant's name, full address, and nationality;
 - 3) The designer's name, full address, and nationality;
 - 4) Full name and address of the power of attorney if the application is submitted through a power of attorney;
 - 5) The name of the country and the date of receipt of the application for the first time, if the application is filed with a priority right, where the priority right is the applicant's right to apply for the registration of an industrial design from a country that is a member of the Paris Convention.
2. Application Signing:
- a) The applicant or his/her attorney is required to sign the application attached with:
 1. Physical examples, drawings, photographs, or descriptions of industrial designs in triplicate;
 2. Special power of attorney, if submitted through a power of attorney;
 3. A stamped or legalized affidavit by a notary, stating that the proposed industrial design belongs to the applicant or designer;
 - b) Proof of payment of the application fee.
 - b) If more than one applicant applies jointly, each applicant must attach written evidence from the other applicant before signing. The application must include all the names of the applicant and one of the applicant's addresses.
 - c) If the applicant is not a designer, there must be a statement proving ownership of the industrial design.
 - d) Applicants who are domiciled outside Indonesia must use a power of attorney and choose a legal domicile in Indonesia.
3. Terms of Industrial Design Images or Photos:
- a) Made on A4 size white paper weighing 100-200 grams.
 - b) The image or photo on the paper must be able to be duplicated without compromising quality, either using a photocopier, scanner, or other tools.
 - c) Each image must be accompanied by an adequate description, include the serial number of the image, and explain the appearance according to the position and angle of view.
 - d) The bottom edge, right, and left edges of the image are 2 cm, while the top edge is 2.5 cm.
 - e) Each image is assigned a sequence number.
 - f) The image must match the original example.
 - g) Dotted lines may be used on parts that do not require protection, while parts that require protection are made with thick lines.

- h) Images can be accompanied by a floppy disk containing data to facilitate the announcement process.

DJKI will announce the application for industrial design registration no later than 30 days after the application is received, after an administrative assessment is carried out, including physical examination, completeness of formalities, and clarity of design disclosure. If there is a shortage, the DJKI will notify the applicant or his/her attorney to complete it within 3 months from the notification. Upon request, this period can be extended to 1 month. If the deficiency is not met within the specified time limit, the DJKI will send an official notice within 14 days, stating that the application is considered withdrawn, and the fees paid are non-refundable.

Product packaging design must be considered by business actors because it is the first visual impression for consumers in terms of aesthetics, function, practicality, product information, product identity branding, and others. Especially *skincare products, aesthetic skincare* product packaging designs will certainly attract consumers' attention and have viral potential because they have a strong, creative, and unique visual appeal and are supported by a composition of quality and good ingredients for skin care. This is evidenced by the development of the *skincare* industry which is increasingly varied with many *new skincare* brands that are starting to emerge with material compositions that have unique product packaging designs and attract the attention of consumers. So many skincare business actors are competing to promote their

products through various creative, innovative marketing strategies, and the use of social media to increase visibility and sales.

The Industrial Design Law has not expressly regulated limits regarding the extent to which a product is allowed to have similarities or similarities with other products, as well as the extent to which a product is prohibited from being imitated by other business actors. Existing regulations only regulate in general, as stipulated in Article 4, which states that industrial design rights cannot be granted if the design is contrary to applicable laws and regulations, public order, religion, or morality.

Furthermore, Article 9 emphasizes that the holder of industrial design rights has the exclusive right to exercise his rights and prohibits other parties, without their consent, from making, using, selling, importing, and/or circulating goods that have been granted industrial design rights. However, there are exceptions if the design is used for research and educational purposes, as long as it does not harm the reasonable interests of the rights holder.

While there are protections for industrial design rights holders, the absence of specific regulations on the resemblance of a design can create legal uncertainty in practice. This can potentially be disputed, especially in determining whether a design is considered a counterfeit or still within the permissible limits. Therefore, clearer regulations are needed to provide legal certainty for business actors and prevent unfair competition in the design industry.

Based on the news of *Fashion Bazaar Indonesia*, Kahfiati Kahdar stated that

taking one or several design elements without making them someone else's signature is not a problem, because creating something truly original is very difficult. Then Dina Midiani emphasized that the issue of design similarity and theft of ideas has long occurred in various parts of the world, even she herself has experienced it. The technique he used had been taken by other parties, but he chose to think positively. For him, when a product is imitated, it shows that the product is accepted by the market, so business actors must innovate and go one step further (Baazar Indonesia, 2021).

This problem is even more complex because it does not only occur in the world of the fashion industry, but also in the world of skincare, and other creative economy worlds. Although there is protection of Intellectual Property Rights (IPR), it is difficult to claim infringement if the design has only undergone minor changes. R. Rizky A. Adiwilaga strengthens this view by stating that the practice of design plagiarism, especially among small and medium enterprises (MSMEs), often occurs. Many Muslim fashion traders in the market face similar problems and complain to each other about the practice of design plagiarism that often occurs in the industry. Therefore, Intellectual Property Rights (IPR) registration and recognition institutions have an important role in the business world. In principle, intellectual property rights do not always have to be registered to get legal protection. When a work is announced by the right party, the right is automatically protected. However, in cases of infringement, proving ownership becomes difficult for rights holders who do not register their work. So

the need for IPR registration is necessary to protect and ensure legal certainty, especially in the field of industrial design (Geofani, 2024).

Business actors often involve *influencers* and *beauty enthusiasts* who have a great influence on consumer purchasing decisions and create new trends in the beauty world. The existence of promotions carried out by *influencers* and *beauty enthusiasts* builds consumer trust through product reviews making consumers more interested in trying new products recommended by people they trust (Gissany Fahira, 2022) As a result, competition in the skincare industry is becoming increasingly fierce, encouraging entrepreneurs to continue to innovate and improve product quality so that they remain in demand and meet expectations consumers.

Based on research conducted by Sudjana, product design can obtain double *protection*, namely through Industrial Design which requires aspects of novelty and aesthetic impression, as well as through a 3-dimensional brand if it is in the form of a graphic sign that has a distinguishing power on the goods being traded. In terms of protection effectiveness, 3-dimensional Brands are superior because their protection period can be extended, thus providing economic benefits for longer than Industrial Design which is only protected for 10 years. Once the period expires, the Industrial Design will become public property. However, in terms of the examination process and costs, protection through Industrial Design is more efficient because it does not require a substantive examination unless there is an objection from other

parties, and the registration fee is lower (Sudjana, 2020).

Seeing the development of trends in the beauty world today has very high opportunities and risks, if they cannot adapt quickly to changes and needs, then business actors will experience failure to sell their products due to a very high competitive ecosystem. On the other hand, those who can take advantage of the opportunity by presenting an attractive and functional product packaging design will be better able to attract the attention of consumers. In the beauty industry, packaging design not only serves as a product protector, but also as a marketing tool that reflects brand values and influences purchasing decisions (Mailani et al., 2024).

Business actors who innovate in packaging design both in terms of aesthetics, comfort of use, and sustainability, can more easily win the hearts of consumers and increase competitiveness in this highly competitive market. So that to prevent product imitation and unfair business competition, product packaging design registration is very important to be registered to create a healthy ecosystem in the beauty business world.

Based on research conducted by Caliesta Tiara, et.al., that with the progress in this era of globalization, the competition for creativity is getting tighter. As business actors in the creative economy, they must have extra efforts to get attention from the community. One of them is by highlighting the uniqueness of the product, by following market trends and demands, and using the ATM method (observe, imitate, modify) is one of the popular methods in the business world

and creative industry both in the world of fashion, skincare and makeup. This method aims to provide opportunities for businesses to always create fresh, creative, unique, and competitive products or strategies. Competition in the creative economy on social media is quite high, therefore, MSMEs must continue to innovate and create unique and interesting content in order to compete with their competitors (Tiara et al., n.d. 2023).

Thus, the registration of product packaging designs is increasingly important to prevent unfair business competition in the midst of the dynamics of a society that continues to develop. Therefore, revisions are needed, especially the Industrial Design Law to provide specific explanations related to the industry in accordance with the current development and needs of society, the Unfair Business Competition Law and the Consumer Protection Law to regulate in more detail the types of agreements that can be excluded as well as the prohibition of business actors in the field of intellectual property rights. This step aims to ensure that existing rules can adapt to various developments in the business world, especially beauty, and prevent potential abuse that can harm both business actors and consumers.

CONCLUSIONS

The registration of skincare product packaging designs as industrial designs and three-dimensional brands through the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights is an important step to protect innovation and provide legal protection. Designers will obtain exclusive rights and strengthen their

business position in the market. The "first to file" registration system requires that the design must be registered in order to obtain legal protection, with the main condition that the design must be new and original. Although Indonesia regulates unfair business competition through legislation, regulations regarding product packaging design as part of Intellectual Property Rights (IPR) are still ineffective in handling disputes related to unfair competition. Therefore, it is necessary to revise the Industrial Design Law, the Law on Unfair Business Competition, and the Consumer Protection Law to regulate in more detail the exempt agreements and prohibitions of business actors in IPR, specific regulations regarding the limitation of the similarity of a design so that the rules can adjust to the development of the beauty industry and prevent adverse abuse.

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