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## Normative Construction and Practical Implications of Industrial Design Disputes: A Juridical Analysis of the Geprek Bensu Case

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### **Abstract**

*Ideally, legal protection for industrial designs in Indonesia consistently adheres to the first-to-file principle, in which the party who first registers their design lawfully and in good faith is entitled to exclusive legal protection. However, in reality, complex disputes arise—as seen in the Geprek Bensu case—where claims over design ownership involve interpretations that touch upon morality, business reputation, and the applicant's intent. This study aims to analyze the normative construction and practical implications of court decisions in the industrial design dispute between PT Ayam Geprek Benny Sujono and Ruben Onsu, with an emphasis on how the first-to-file principle is applied and interpreted in Indonesian legal practice. The method used in this research is normative legal research with a qualitative-descriptive approach, based on*

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*library research of relevant laws, court rulings, and legal literature. The findings indicate that, from a juridical perspective, the Supreme Court firmly upheld the first-to-file principle as stipulated in Article 12 of Law No. 31 of 2000, and rejected claims submitted without novelty and good faith. Normatively, the ruling forms a legal construction that clarifies the standards for industrial design registration and has practical implications by encouraging business actors, particularly MSMEs, to be more proactive in registering their designs lawfully and with integrity to obtain strong legal protection.*

**Keywords:** *Normative Construction, Practical Implications, Industrial Design.*

## **Abstrak**

Idealnya, perlindungan hukum terhadap desain industri di Indonesia mengikuti asas first-to-file secara konsisten, di mana pihak yang pertama kali mendaftarkan desainnya secara sah dan beritikad baik berhak memperoleh perlindungan hukum secara eksklusif. Namun, realitasnya menunjukkan adanya sengketa yang kompleks, seperti dalam kasus Geprek Bensu, di mana klaim atas kepemilikan desain menimbulkan tafsir yang melibatkan aspek moralitas, reputasi bisnis, dan niat pendaftar. Penelitian ini bertujuan untuk menganalisis konstruksi normatif dan implikasi praktis dari putusan pengadilan dalam sengketa desain industri antara PT Ayam Geprek Benny Sujono dan Ruben Onsu, dengan menekankan bagaimana prinsip first-to-file diterapkan dan ditafsirkan dalam praktik hukum Indonesia. Metode yang digunakan dalam penelitian ini adalah penelitian hukum normatif dengan pendekatan kualitatif-deskriptif, berbasis studi pustaka terhadap peraturan perundang-undangan, putusan pengadilan, dan literatur hukum terkait. Hasil penelitian menunjukkan bahwa dalam tinjauan yuridis, Mahkamah Agung secara tegas menegakkan prinsip first-to-file sebagaimana diatur dalam Pasal 12 UU No. 31 Tahun 2000, serta menolak klaim yang diajukan tanpa kebaruan dan itikad baik. Secara normatif, putusan ini membentuk konstruksi hukum yang memperjelas standar pendaftaran desain industri dan berdampak praktis dalam mendorong pelaku usaha, khususnya UMKM, untuk lebih proaktif melakukan pendaftaran secara sah dan berintegritas guna memperoleh perlindungan hukum yang kuat.

**Kata Kunci:** Konstruksi Normatif, Implikasi Praktis, Desain Industri

## **Introduction**

The development of the creative economy and the growth of industries based on visual innovation have intensified the urgency of legal protection for industrial designs as part of the intellectual property rights (IPR) regime (Pramudito et al., 2023). In both global and national contexts, industrial design occupies a strategic position not merely as an aesthetic element of a product, but also as an integral component of commercial strategy and business identity. Within

the framework of Indonesian positive law, protection of industrial designs is accommodated through Law Number 31 of 2000 on Industrial Design, which normatively affirms the constitutive registration principle (first-to-file) as the basis of protection (Pinem & Gunadi, 2021). This principle is essential to ensure legal certainty, promote fair competition, and provide a solid legal foundation for business actors to safeguard their interests against plagiarism and unfair business practices (Amani et al., 2024). In practice, industrial design registration is regarded as a form of state recognition of creative works that are original and possess commercial value.

However, along with the increasing complexity of business relations, brand collaborations, and the involvement of public figures in product development, legal disputes often arise concerning the legitimate ownership of specific designs. This issue is clearly reflected in the dispute between PT Ayam Geprek Benny Sujono (AGBS) and Ruben Onsu regarding the food packaging design of "Geprek Bensu." This case constitutes a critical reference point for understanding how the registration system, the element of novelty, and good faith function as decisive factors in judicial evidentiary processes (Tua et al., 2025). The dispute is not merely a controversy between two business entities, but rather represents a deeper debate concerning the application of the first-to-file principle, legal standing, and the clarity of the object of dispute within the realm of industrial design law. It brings into direct interaction law as a normative system and the dynamic realities of business practice, while simultaneously testing how courts interpret legal principles and norms in concrete cases.

Ideally, an intellectual property legal system based on constitutive registration should be capable of providing objective and transparent legal protection. Parties who register their designs first and do so in good faith should be recognized as the legitimate holders of exclusive rights. This is crucial to ensure that business actors are not only motivated to create innovative works but also feel legally protected within a highly competitive business environment. Furthermore, the registration system should be accompanied by adequate substantive examination to ensure that only designs that are genuinely novel and original receive legal protection. Normative certainty, procedural transparency, and consistency in law enforcement are key elements in realizing legal justice for all business actors, including those operating in micro, small, and medium enterprises (MSMEs) and the fast-food industry, which are characterized by intense competition and continuous design innovation.

Nevertheless, empirical realities indicate that the application of these principles does not always function as intended. In the Geprek Bensu case, for instance, although PT AGBS registered the food packaging design earlier, the fact that Ruben Onsu is a public figure who had previously been involved in promoting AGBS's business was used as part of the defense to justify his own design registration. During the judicial process, this situation raised debates as to whether prior use that was not formally documented under legal registration could serve as a basis for assessing good faith. Although both the Commercial Court and the Supreme Court ultimately affirmed AGBS as the lawful owner of the design, the litigation process revealed tensions between written legal norms and judicial interpretation in practice (Amani et al., 2024). Legal uncertainty surrounding

aspects such as novelty, good faith, and the object of dispute underscores the need for both normative and technical strengthening of Indonesia's industrial design protection system.

This study aims to analyze the normative construction and practical implications of industrial design dispute resolution, with a particular focus on the first-to-file principle, legal standing, and judicial interpretation in the Geprek Bensu case. It further examines how courts apply existing legal norms when confronted with business realities that do not always conform to formal legal structures. By systematically reviewing decisions of the Commercial Court and the Supreme Court, this research seeks to illustrate the dynamics between legal texts, juridical interpretation, and the practical conditions faced by business actors. The main contribution of this study lies in providing a more comprehensive understanding of the relationship between legal norms and judicial practice in the field of industrial design, as well as proposing improvements to the intellectual property protection system that are more responsive to the development of the creative industry. This research is also expected to serve as a reference for policymakers, business practitioners, and academics in building a more just, clear, and implementable intellectual property legal system, particularly in addressing increasingly complex industrial design disputes in today's digital and collaborative era.

## **Literature Review**

Studies on industrial design disputes, particularly from the perspective of intellectual property law, are not entirely novel. A number of previous scholars have examined this issue and published their findings using various methods and analytical approaches. Amani and Tuassalamony, in their work entitled "The Resolution of the Geprek Bensu Dispute," analyze the trademark dispute between Ruben Onsu and PT Ayam Geprek Benny Sujono from a chronological perspective and provide a general overview of intellectual property dispute resolution. The authors describe the lengthy litigation process, from the Commercial Court to the Supreme Court, and emphasize that the resolution of this case serves as an important reflection on trademark law enforcement in Indonesia. Their findings highlight the significance of formal registration evidence and moral considerations in judicial decision-making (Amani et al., 2024). The similarity between their study and the present research lies in the shared object of analysis, namely the "Geprek Bensu" case, as well as the focus on legal protection. However, Amani et al. primarily emphasize trademark aspects and do not specifically examine industrial design issues or the application of the first-to-file principle in judicial reasoning.

Tua, W. R. et al., in their article "Disputes over the Protection of Copyright and Trademarks: A Case Study of the Conflict between Geprek Bensu and I Am Geprek Bensu," explore copyright and trademark law within the context of a business dispute involving two entities with similar names and visual appearances. This study highlights how public confusion may arise due to similarities in branding and how courts assess commercial value and business reputation as the basis for legal decisions. Their findings suggest that trademark law enforcement does not merely rely on administrative compliance, but also considers intent and

consumer impact (Tua et al., 2025). The relevance of this study to the present research lies in its focus on legal conflict over exclusive rights between competing parties. Nevertheless, it does not address the juridical debate surrounding industrial design protection or the first-to-file principle as a primary legal foundation.

Pramudito, A. P. et al., in their article "An Analysis of the First-to-File Principle in Industrial Design Disputes (A Case Study of the Jakarta Central Commercial Court Decision Number 16/Pdt.Sus-Desain Industri/2020/PN Niaga Jakarta Pusat)," make a significant contribution by specifically focusing on the application of the first-to-file principle within Indonesia's industrial design legal framework. Their study examines how the Commercial Court evaluates the validity of industrial design registration and touches upon the role of good faith in judicial considerations. The findings indicate that the first-to-file principle functions as the cornerstone of legal protection, yet still leaves room for judicial interpretation regarding the moral conduct of the registrant (Pramudito et al., 2023). The similarity between this study and the present research lies in the shared focus on industrial design protection and juridical analysis of court decisions. However, Pramudito et al. do not further explore issues related to legal standing construction, litigation dynamics, or the broader implications of judicial decisions for business actors and systemic reform of intellectual property protection.

Based on this literature review, it can be concluded that existing studies tend to concentrate on trademark aspects, dispute chronology, and the first-to-file principle in a limited scope. There remains a research gap in studies that comprehensively examine normative constructions—such as legal standing, novelty, and good faith—while simultaneously linking them to the practical implications of court decisions for business actors and the intellectual property protection system in Indonesia. This study seeks to fill that gap by analyzing not only normative and jurisprudential dimensions, but also the systemic impact of judicial decisions on business dynamics, legal strategies adopted by entrepreneurs, and the urgency of regulatory reform to strengthen industrial design protection. Accordingly, the novelty of this research lies in its integrative approach: conducting an in-depth analysis of legal norms, interpreting judicial decisions as dynamic legal constructions, and contextualizing these findings within practical needs and realities in the field.

## **Research Methodology**

This article employs a library research design with a qualitative approach. The methodology applied is normative legal research, elaborated through descriptive-analytical analysis. The study aims to provide a systematic and comprehensive overview of the legal construction and practical implications of industrial design disputes, particularly in the case between PT Ayam Geprek Benny Sujono and Ruben Onsu, as reflected in Supreme Court Decision Number 162 K/Pdt.Sus-HKI/2021. Through this approach, the research seeks to understand how legal norms are applied in judicial practice and how principles such as first-to-file and good faith are interpreted in the dispute resolution process.

Primary legal materials in this study consist of relevant statutory regulations, including Law Number 31 of 2000 on Industrial Design, as well as judicial decisions of the Commercial Court and the Supreme Court that form the core objects of analysis. Secondary legal materials include scholarly journals, legal textbooks, academic articles, and expert opinions relevant to intellectual property disputes. Data analysis is conducted qualitatively using an interpretative method, which involves examining and construing the meanings contained in the analyzed legal documents. Data validation is carried out through source triangulation and cross-document analysis to minimize interpretative bias. The validity of the findings is further ensured by comparing the analytical results with established scholarly literature and prevailing legal theories. The organization of data into an academic article follows an inductive reasoning pattern, whereby specific findings derived from concrete cases are developed into broader and more general theoretical legal conclusions.

## **Industrial Design in Indonesia: Historical Development and Legal Foundations**

Industrial design plays a central role in the development of the creative economy sector and industrial growth in the era of globalization. In an increasingly competitive business environment, the visual elements of a product often serve as the primary attraction that distinguishes it from similar products. This has become particularly significant as consumer trends and preferences change rapidly, demanding innovation that is not only functional but also aesthetically appealing (Julianti et al., 2021). Consequently, industrial design is no longer merely a complementary aspect of a product, but rather an integral component of commercial strategy and branding. On the other hand, the creation of industrial designs frequently involves substantial creative thought, labor, and resources, thereby justifying the need for strong legal protection (Sari et al., 2024). In this context, an effective system of industrial design protection is not only an individual necessity for designers but also a state instrument for fostering a national innovation ecosystem.

Before further discussing how Indonesian law provides protection for industrial designs, it is essential to first understand the concept of industrial design itself. Industrial design refers to a human creative work expressed in visual form, either two-dimensional or three-dimensional, possessing certain aesthetic values and applied to industrial products or handicrafts (Rhizki Amelia, 2023). Article 1 paragraph (1) of Law Number 31 of 2000 on Industrial Design defines industrial design as the creation of shapes, configurations, compositions of lines or colors, or combinations thereof that produce an aesthetic impression and can be realized in tangible products (Baiti et al., 2024). This definition indicates that industrial design comprises two fundamental elements: aesthetic value and the capability for mass production. Accordingly, industrial design is appreciated not only for its visual appeal but also for its practical relevance in commercial activities.

Historically, the protection of industrial designs is not a new concept within the global legal system. Design protection emerged during the Industrial Revolution in Europe, when the mass production of goods necessitated legal

safeguards for product forms and appearances. The United Kingdom pioneered this protection by enacting the Ornamental Designs Act in 1842, recognized as the first legislation to provide legal protection for product designs. Over time, other countries adopted similar concepts, which were later reinforced through international conventions such as the Paris Convention for the Protection of Industrial Property (1883) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (Rhizki Amelia, 2023). In Indonesia, this concept was systematically adopted following the country's accession to the World Trade Organization (WTO) and the ratification of various international intellectual property agreements. Subsequently, in 2000, Indonesia specifically enacted Law Number 31 of 2000 on Industrial Design, which remains in force today (Lubis et al., 2024).

Law Number 31 of 2000 constitutes a significant milestone in Indonesia's industrial design protection system. This statute not only provides a legitimate legal foundation for designers but also functions as an instrument to uphold justice and legal certainty in the field of intellectual property. Under this law, industrial design protection is based on a constitutive registration system, meaning that rights over a design do not arise automatically from creation, but must be obtained through formal registration with the Directorate General of Intellectual Property (DGIP). This principle is explicitly stated in Article 2 paragraph (1), which provides that rights over industrial designs are granted only after official registration. Thus, registration is not merely an administrative procedure but a substantive requirement for legal protection. This system adopts the first-to-file principle, whereby the party who first registers the design is granted exclusive rights, regardless of who initially created it (Putri, 2022).

The implementation of the first-to-file system gives rise to several significant legal implications. Designers who fail to promptly register their works risk losing legal protection, even if they can demonstrate that they were the original creators. This underscores the importance of legal awareness among creative industry actors to understand and optimally utilize the registration mechanism. Pramudito emphasizes that this system is stringent and does not accommodate informal claims or moral rights in the absence of registration. Consequently, legal strategy and timing become critical factors in industrial design protection. In practice, prudent business actors tend to register their designs immediately upon completion of the creative process to prevent other parties from acquiring rights through earlier registration.

Nevertheless, registration alone does not automatically guarantee legal protection. One of the primary substantive requirements for protection is the element of novelty. Article 2 paragraph (2) of the Industrial Design Law stipulates that a design must not be identical or substantially similar to any prior design, whether domestically or internationally (Putri, 2022). Novelty serves as a key benchmark to prevent overlap and plagiarism in the industrial sector. However, in practice, the standard of "novelty" often becomes a contentious issue due to the absence of detailed parameters in implementing regulations. As a result, designs that merely represent minor modifications of existing designs are sometimes registered, leading to potential legal disputes.

The issue of novelty becomes even more complex at the judicial level. Julianti et al., in a journal published by Sasana Law Journal of Mahasaraswati University, argue that the lack of clarity in novelty parameters leads to divergent interpretations among disputing parties and grants judges broad discretionary authority. In many cases, the assessment of novelty relies heavily on subjective visual perception rather than standardized technical guidelines. Consequently, judicial decisions tend to be inconsistent and contribute to legal uncertainty. Therefore, they propose that novelty should be assessed based on substantial differences, rather than mere cosmetic variations or decorative elements that do not affect the overall essence of the design.

From an international law perspective, Indonesia does not operate in isolation. The country has ratified various international agreements mandating the protection of industrial designs, most notably the TRIPS Agreement under the WTO framework. Article 25 of TRIPS explicitly requires that designs must be new or original to qualify for legal protection, and member states are obligated to provide such protection within their domestic legal systems. However, differences in national legal systems often result in disparities in enforcement. In the United States, for example, approaches such as the point of novelty test and the ordinary observer test are employed to assess design originality. In contrast, Indonesia's assessment of novelty remains largely normative and lacks operational parameters that can be applied consistently (Zulkarnain, 2024).

Another significant obstacle to the effective protection of industrial designs in Indonesia is the low level of legal awareness among business actors, particularly micro, small, and medium enterprises (MSMEs). Many small-scale entrepreneurs are unaware that industrial designs constitute protectable and monetizable assets. In numerous cases, local designs with high commercial potential are appropriated by other parties who register them earlier. Socialization and dissemination of information regarding the importance of industrial design protection have not adequately reached all segments of the industrial community, especially in regional areas. This condition highlights the need for educational and promotional initiatives by the government to enhance legal literacy related to industrial design, particularly in sectors that serve as the backbone of the national economy (Sinaga, 2015).

To address these challenges, various scholars and legal practitioners have proposed several solutions, including the reformulation of technical regulations and the establishment of an independent assessment body tasked with evaluating design novelty prior to registration. The existence of such an institution would promote objectivity in the registration process, reduce the administrative burden on the DGIP, and minimize the potential for legal disputes. Assessments conducted by this body are expected to be more standardized and transparent. Furthermore, strengthening the capacity of judges and law enforcement officials in the field of intellectual property is essential to creating a robust and responsive legal protection system that can adapt to the evolving dynamics of the business world..

## **Industrial Design Disputes in the Geprek Bensu Case**

The trademark and packaging design dispute involving “I Am Geprek Bensu” represents one of the most prominent cases in Indonesian intellectual property law practice, particularly within the realm of industrial design. The study of industrial design disputes extends beyond issues of visual aesthetics and commercial value, encompassing questions of how a design acquires and maintains legal protection. Protection of industrial design becomes increasingly significant when a visual identity plays a major role in product differentiation in the marketplace, fosters consumer loyalty, and generates added economic value for business actors (Lubis et al., 2024). The dispute between PT Ayam Geprek Benny Sujono (AGBS) and Ruben Onsu illustrates that industrial design is not merely a technical visual matter, but is closely connected to business integrity, the history of collaboration, and compliance with legal principles such as first-to-file and good faith as stipulated in Law Number 31 of 2000 on Industrial Design (Sinaga, 2015).

The chronology of this case began in April 2017, when PT Ayam Geprek Benny Sujono appointed celebrity Ruben Onsu as a brand ambassador for its emerging culinary business. Under the cooperation agreement, Ruben received compensation and his involvement was highly visible to the public; his name and image were prominently displayed across outlets, promotional materials, and packaging designs (Amani et al., 2024). This situation created a strong association in the minds of consumers that Ruben was an integral part of the “Bensu” business identity, which was gaining market recognition at the time. Although his formal status was limited to that of a brand ambassador, the visual and symbolic relationship between Ruben and “I Am Geprek Bensu” became embedded in public perception.

However, this partnership did not last long. After the collaboration ended in August 2017, Ruben Onsu established a new culinary business under a highly similar name, “Geprek Bensu,” which marked the beginning of a prolonged legal conflict. The similarities in name, logo, and visual packaging design between the two business entities became the primary focus of the dispute. Notably, PT AGBS had earlier filed an application for the trademark “I Am Geprek Bensu Sedep Bener” on 3 May 2017, and the registration was subsequently approved. In contrast, Ruben Onsu filed an application for the trademark “Geprek Bensu” on 7 June 2018, more than one year after PT AGBS’s trademark had been officially recorded at the Directorate General of Intellectual Property. On 25 September 2018, Ruben Onsu initiated legal action against PT Ayam Geprek Benny Sujono before the Central Jakarta Commercial Court under Case No. 48/Pdt.Sus/Merek/2018 (Amani et al., 2024).

In his claim, Ruben sought the cancellation of PT AGBS’s trademark “I Am Geprek Bensu.” In response, PT AGBS filed a counterclaim (reconvention), requesting the cancellation of the “Geprek Bensu” trademark registered by Ruben. The core of the dispute did not concern culinary recipes or food products *per se*, but rather the industrial design of the packaging—specifically the food box design—which was alleged to bear significant similarity and to potentially mislead consumers. The Commercial Court’s decision issued in August 2019 marked a critical juncture in the case. The panel of judges ruled that the industrial design of the food packaging registered by Ruben Onsu on 20 July 2018 must be annulled,

while affirming PT AGBS as the lawful owner of the “I Am Geprek Bensu” design and trademark. This ruling reinforced the first-to-file principle as the cornerstone of Indonesia’s industrial design protection system (Pinem & Gunadi, 2021). The judges determined that Ruben’s registration lacked good faith, given his prior involvement in collaboration with PT AGBS and his knowledge of the existing design. Accordingly, the decision considered not only administrative compliance but also ethical dimensions in design registration (Kamani & Khaerunnisa, 2023).

Dissatisfied with the Commercial Court’s ruling, Ruben Onsu filed a cassation appeal to the Supreme Court under Case No. 575 K/Pdt.Sus-HKI/2020. However, in May 2020, the Supreme Court rejected the appeal. The Court reaffirmed that the first-to-file principle is inviolable and that Ruben’s registration was not only submitted belatedly but was also not grounded in good faith. Furthermore, the Supreme Court held that the registered design failed to meet the novelty requirement due to its significant similarity to PT AGBS’s prior design (Sari et al., 2024). This decision underscored that novelty and the registrant’s intent are indispensable elements in industrial design disputes.

Following the Supreme Court decision, the conflict extended into the administrative domain. In October 2020, PT Ayam Geprek filed a lawsuit against the Directorate General of Intellectual Property (DGIP) after the authority issued a notice deleting the “I Am Geprek Bensu” trademark, despite the final and binding judicial rulings in favor of PT AGBS. This action was motivated by concerns that administrative bodies such as the DGIP were not acting consistently with court decisions that had obtained legal finality. PT AGBS argued that the DGIP’s actions contradicted the Supreme Court ruling and undermined the legal certainty that the judicial system seeks to uphold.

PT AGBS’s legal efforts continued in April 2022, when the company filed a new lawsuit seeking damages of IDR 100 billion against Ruben Onsu and the DGIP before the Central Jakarta District Court. The claim included compensation for reputational and commercial losses resulting from the use of similar names and packaging designs. PT AGBS emphasized that its “I Am Geprek Bensu” packaging design had gained widespread recognition and positive market response, and that the visual similarities introduced by “Geprek Bensu” caused consumer confusion. The disputed design encompassed not only logos and names but also the physical form of the food box, color composition, and overall visual aesthetics (Tua et al., 2025).

The principal object of dispute in this case was the product packaging design, which was considered a primary vehicle for building brand image. Visually oriented designs possess strong appeal and can shape public perception instantaneously. Accordingly, under industrial design law, packaging appearance constitutes an essential element of business identity that warrants stringent protection. In this case, the food box design used by Ruben Onsu exhibited forms, configurations, and color elements that closely resembled those of PT AGBS’s registered design, thereby giving rise to potential infringement of prior industrial design rights.

From the perspective of industrial design law, this case affirms that legal protection extends not only to functional or technical aspects of a product but also to visual elements that reflect business character and identity. Packaging design, in

this regard, constitutes a strategic asset capable of generating economic value (Sinaga, 2015). Consequently, novelty and intent in registration must serve as primary considerations for business actors. The Supreme Court explicitly emphasized that even where a design has been used in practice, registration undertaken with the motive of capitalizing on another party's reputation and image cannot be legally justified. More broadly, the case highlights the importance of regulatory clarity and effective administrative oversight in industrial design protection. The role of the DGIP as a technical authority is crucial in maintaining consistency in intellectual property law enforcement. When administrative actions contradict final court decisions, the credibility of the legal system is called into question. In this context, institutional reform and strengthened coordination between the judiciary and the DGIP are necessary to ensure that legal protection for industrial designs is implemented effectively and does not generate normative conflicts in the future.

### **Judicial Decisions and the Dynamics of the First-to-File Principle**

The legal dispute between PT Ayam Geprek Benny Sujono (AGBS) and Ruben Onsu concerning ownership of the Geprek Bensu packaging design not only attracted public attention due to the involvement of a well-known public figure, but also emerged as a significant case study within the field of industrial design law in Indonesia. Beyond the chronology and the object of dispute, a crucial aspect of this case lies in how the courts interpreted and applied the prevailing legal norms, particularly the first-to-file principle as stipulated in Law Number 31 of 2000 on Industrial Designs (Pramudito et al., 2023). This dispute evolved into a testing ground for the consistency between normative legal texts and judicial interpretation, ultimately shaping an important precedent in Indonesian intellectual property jurisprudence.

Normatively, the Indonesian industrial design legal system adopts the first-to-file principle, under which rights over an industrial design are granted to the party who first files an application with the Directorate General of Intellectual Property (Denny et al., 2022). This principle is explicitly enshrined in Article 12 paragraph (1) of Law No. 31 of 2000, which states that "the right to an industrial design shall be granted to the party who first submits an application for registration to the Directorate General of Intellectual Property." Under this regime, priority is not given to the original creator, but rather to the first applicant, provided that the design fulfills the requirement of novelty and is filed in good faith.

In the Geprek Bensu dispute, this principle constituted the primary legal basis for determining which party was entitled to the disputed food packaging design. However, although AGBS had formally registered its design earlier, on 3 May 2017, the application of the first-to-file principle at the judicial level revealed a more nuanced interpretative dynamic. In Decision No. 16/Pdt.Sus.DesainIndustri/2020, the Commercial Court of Central Jakarta affirmed that AGBS was the first registrant in accordance with Article 12 of the Industrial Design Law (Pramudito et al., 2023). By contrast, Ruben Onsu filed his design registration more than one year later, on 7 June 2018, which gave rise to a strong

presumption that the registration was made after he had become aware of the commercial success of the design through his prior involvement as a brand ambassador.

On this basis, the judges concluded that Ruben's registration was made in bad faith and therefore violated Articles 2 and 4 of the Industrial Design Law (Pinem & Gunadi, 2021). The ruling emphasized that determining rights over an industrial design cannot rely solely on the timing of registration, but must also consider the moral background and underlying motives of the registrant. This judicial reasoning reflects an expansion of legal interpretation beyond a purely administrative framework, incorporating elements of business ethics into the assessment.

The panel of judges held that Ruben, who had previously participated in promoting AGBS's business, could not legitimately claim rights over a design that was substantively similar to a design already used and registered by his former business partner. In subsequent legal proceedings, Ruben filed a cassation appeal to the Supreme Court under Case No. 162 K/Pdt.Sus-HKI/2021. However, the Supreme Court rejected the appeal and upheld the decision of the Commercial Court. The Court reaffirmed that Ruben's registration was not only submitted later in time, but also failed to meet the novelty requirement, as the design bore substantial similarity to that of AGBS. Moreover, the Supreme Court found that Ruben's actions reflected bad faith, as he had relied on internal knowledge obtained during the prior collaboration to unilaterally claim legal rights (Tua et al., 2025).

This stance taken by the Supreme Court confirms that although the first-to-file principle constitutes the core foundation of industrial design protection, it does not operate in isolation. It must be interpreted in conjunction with the principle of good faith, which, although not always technically measurable, remains an essential element in assessing the legitimacy of legal claims. The Supreme Court adopted a contextual approach by considering the substantive legal relationship between the parties as a decisive factor in determining ownership of the disputed design.

Nevertheless, this judicial approach also highlights an inherent tension between statutory norms and judicial practice. Article 12 of Law No. 31 of 2000 does not explicitly stipulate that prior use of a design before registration should serve as a determinant in judicial assessment. Yet, the courts relied on such factual circumstances as evidence of bad faith. As noted by Pramudito et al. (2023), this demonstrates that Indonesia's industrial design legal system provides judges with broad interpretative discretion, which on one hand may promote substantive justice, but on the other hand carries the risk of legal uncertainty.

The consistency between the Commercial Court and the Supreme Court in adjudicating this case indicates that formal legal principles alone are insufficient to determine rights over industrial designs. The registrant's moral conduct and the history of design usage remain relevant considerations. However, this approach underscores the urgent need for clearer legal reformulation to prevent divergent judicial interpretations. Denny et al. (2022) emphasize that revisions to Law No. 31 of 2000 are necessary to more explicitly regulate the parameters of novelty and good faith.

The Supreme Court's ruling in the Geprek Bensu case may thus be regarded as a significant precedent in Indonesian industrial design jurisprudence. The decision clarifies that designs used without legitimate registration and with an intent to imitate prior designs are not eligible for legal protection. At the same time, it signals a broader shift in Indonesia's intellectual property system toward a more integrative framework that combines formal legal requirements with ethical considerations in judicial reasoning.

This development sends a strong message to business actors that design registration should not merely be treated as an administrative formality, but as a manifestation of commercial integrity. More broadly, the case illustrates that industrial design law extends beyond legal formalism and reflects fundamental values of fairness and transparency in business practices. Courts are not merely interpreters of statutory norms, but serve as arbiters balancing formal claims against moral realities. Therefore, it is essential for the judiciary to continuously develop fair and consistent interpretative principles, while encouraging lawmakers to clarify legal norms that frequently become points of contention in judicial practice..

### **Legal Construction of Legal Standing and Legal Remedies in Industrial Design Disputes**

Within the intellectual property law system, one of the fundamental elements that serves as the starting point for dispute resolution is the concept of legal standing. Legal standing constitutes the basis of legitimacy that allows an individual or legal entity to initiate a lawsuit or defend its rights before a court of law. In the context of industrial design disputes, such as the packaging design conflict between PT Ayam Geprek Benny Sujono (AGBS) and Ruben Onsu, an understanding of legal standing becomes crucial in determining which party is lawfully entitled to undertake legal action with respect to the disputed design (Kamani & Khaerunnisa, 2023). This dispute demonstrates that legal standing is interpreted not merely in a formal-administrative sense, but also through a moral lens, particularly in relation to the good faith of the registrant within a legal system that adheres to a constitutive registration principle.

Legal standing in industrial design disputes is closely linked to the status of being a lawful registrant and to the fulfillment of the requirement of good faith. Pursuant to Law No. 31 of 2000 on Industrial Designs, only parties who have officially registered their designs with the Directorate General of Intellectual Property (DGIP) possess the legal standing to file lawsuits or submit applications for cancellation. In the Geprek Bensu case, AGBS had registered the packaging box design and the "I Am Geprek Bensu" trademark earlier, in May 2017. This registration granted AGBS legitimate legal standing as the exclusive holder of rights over the disputed design. As noted by Safitri et al. (2022), legal standing represents formal recognition by the state of rights that can only be obtained through registration and cannot be asserted where there are indications of bad faith in the registration process.

Conversely, Ruben Onsu registered the "Geprek Bensu" trademark and design only in June 2018, more than one year after AGBS. Furthermore, Ruben's

registration was considered to have exploited the popularity and reputation developed during his prior collaboration with AGBS, and therefore failed to meet the requirement of good faith. In litigation practice, legal standing does not operate in isolation but is often examined alongside legal defenses in the form of procedural objections (eksepsi). In this case, AGBS raised two significant objections, namely *error in persona* (error regarding the legal subject) and *obscuur libel* (vague or unclear claims). The purpose of such objections is to challenge the admissibility of a lawsuit where there are fundamental defects in its structure, such as incorrect identification of parties or insufficiently detailed claims.

Although academic studies on the use of procedural objections in intellectual property disputes remain limited, judicial practice demonstrates their relevance. In Supreme Court Decision No. 407 K/Pdt.Sus-HKI/2019, similar considerations were employed to assess whether a claim could proceed or should be dismissed at a preliminary stage. Procedural objections thus function as an important filter to ensure that only disputes with clearly defined legal subjects and objects are processed within the intellectual property judicial system (Denny et al., 2022).

Despite AGBS submitting procedural objections against Ruben's lawsuit, the Commercial Court rejected these objections on the grounds that both the parties and the object of the dispute were sufficiently clear. The court reasoned that the disputing parties were publicly identifiable entities and that the contested packaging design could be specifically identified. Nevertheless, the core of the court's reasoning remained focused on the formal validity of registration and the evidentiary assessment of good faith on the part of both the plaintiff and the defendant. Thus, although the objections were dismissed, the issue of legal standing remained central to the court's substantive considerations.

Subsequent legal proceedings further illustrated the dynamic interplay between claims and challenges to legal standing. Ruben Onsu filed a lawsuit against AGBS on the basis that he was the original creator of the design and had a personal association with the name and visual identity "Bensu." In response, AGBS filed a counterclaim (rekonsensi), seeking the cancellation of Ruben's registration on the grounds of violation of the novelty principle and bad faith. Upon examination, the Commercial Court held that AGBS's registration was lawful and valid, while Ruben's registration was declared null and void for failing to meet the novelty requirement and for being filed after the design had already been widely used by AGBS (Amani et al., 2024).

Ruben subsequently filed a cassation appeal to the Supreme Court under Case No. 162 K/Pdt.Sus-HKI/2021, arguing that he was the original creator of the design and that the use of the name "Bensu" did not indicate bad faith. However, the Supreme Court rejected the appeal. The Court affirmed that Ruben's registration did not satisfy the novelty principle, as the design and name had already been used and registered by AGBS. Moreover, the registration was deemed to have exploited the reputation established during the prior collaboration, leading the Court to conclude that Ruben had acted in bad faith (Denny et al., 2022). This decision reaffirmed AGBS's legal position as the party possessing full legal standing over the disputed design.

Although the cassation was rejected, one final legal remedy remained available, namely judicial review (Peninjauan Kembali). Ruben Onsu could pursue this remedy only if new evidence (novum) or a manifest judicial error were discovered, as regulated under Article 67 of the Law on Judicial Power and Article 28 of Law No. 14 of 1985 on the Supreme Court. Nevertheless, the likelihood of success in such proceedings is relatively low, given that the case had been consistently adjudicated at two judicial levels, both of which emphasized the formal registration principle and ethical assessment of the registrant (Rhizki Amelia, 2023).

Notably, developments in industrial design adjudication indicate that legal standing is no longer understood solely in a formal-administrative sense, but increasingly incorporates moral considerations. This is evident in judicial assessments of the registrant's intent (good faith) as an integral component of determining the validity of registration. Murniati (2010) argues that sound legal standing must reflect honesty in the registration process and cannot be based merely on the timing or speed of registration. Similarly, the novelty requirement should not be assessed solely on the basis of names or colors, but rather on significant aesthetic differences in the visual form of the design.

Accordingly, Indonesia's industrial design legal system can no longer be separated from the interplay between legal formalism and moral substance. The use of procedural objections such as error in persona and obscurum libel serves as a supporting mechanism to ensure that only parties with legitimate legal interests may initiate or defend claims over industrial designs. This practice contributes to safeguarding the integrity of the intellectual property judicial system and preventing its misuse by parties acting in bad faith.

### **Implications of the Decision for Intellectual Property Protection and Business Actors in Indonesia**

The Supreme Court's decision in the "Geprek Bensu" case provides an important juridical foundation that strengthens the legal position of the first registrant within Indonesia's industrial design protection system. In the context of the first-to-file regime adopted under Law No. 31 of 2000 on Industrial Designs, this ruling affirms that exclusive rights over a design are granted only to parties who lawfully register the design first, accompanied by good faith and genuine novelty (Pramudito et al., 2023). This position is consistent with Supreme Court Decision No. 147 K/Pdt.Sus-HKI/2024, which explicitly states that valid registrations made without bad faith are entitled to full legal recognition by the state (Augusdityar et al., 2025). Accordingly, this decision serves as a significant milestone in reinforcing legal certainty in the field of intellectual property, while simultaneously acting as a strong warning against manipulative legal claims over works that do not rightfully belong to the claimant.

The implications of this ruling extend beyond normative considerations and reach the practical domain of business activities. Particularly for micro, small, and medium enterprises (MSMEs), the decision conveys a crucial message: design registration is not merely an administrative formality but a key element in business survival and legal protection within an increasingly competitive market

(Augusdityar et al., 2025). Previous studies indicate that many MSME actors remain unaware that, without formal protection of designs and trademarks, their business position is highly vulnerable. By reaffirming that the first lawful registrant is entitled to legal recognition, this decision indirectly encourages business actors to become more proactive and legally aware of the importance of preventive measures through registration (Wijayanto & Sumanto, 2025). This also provides a strong basis for the government to develop more intensive legal assistance policies for the MSME sector.

The “Geprek Bensu” ruling also serves as a key reference in rejecting registration practices carried out with the intention to imitate or replicate designs that have already been used and are publicly recognized. Provisions such as Article 54 of Law No. 31 of 2000 are designed to prevent registrations made in bad faith or through slavish imitation that exhibit strong visual similarity to existing designs (Denny et al., 2022). In this case, the judges successfully assessed the novelty requirement not only from a technical registration perspective but also by examining the relational context between the parties and the motivations underlying the registration process. This indicates that a design which may appear “new” in a formal sense can still be annulled if it is proven to be merely a derivative or copy of an earlier design, especially where there is evidence of misuse of internal information and exploitation of another party’s reputation.

Beyond affirming industrial design protection, the decision also points toward the need for evaluating the registration system itself, particularly within the Directorate General of Intellectual Property (DGIP). In practice, the current registration system remains largely administrative in nature, with officials primarily verifying document completeness rather than conducting substantive assessments of design novelty. Several studies, including the analysis by Augusdityar et al. (2025), emphasize the necessity of procedural reform so that verification processes also encompass substantive aspects such as originality and authenticity. Without such reforms, legal loopholes will persist and may be exploited by bad-faith applicants, thereby undermining the principles of justice and protection that form the foundation of intellectual property law.

In the long term, this decision has far-reaching implications for the legal construction of design registration in Indonesia. One increasingly clarified aspect is that novelty and good faith are no longer treated as merely formal requirements, but as juridical elements actively evaluated by judges. Judicial assessment does not stop at determining when a design was registered, but extends to how the design was acquired and previously used as the basis for granting exclusive rights. Through this decision, the Supreme Court adopts a progressive hermeneutic approach to law: legal norms are not interpreted literally, but contextualized within the framework of business morality and the historical use of the design (Aritonang et al., 2024). Such an approach seeks to balance legal certainty and substantive justice—two values that often stand in tension within judicial practice.

From a strategic perspective, business actors—both small-scale enterprises and large corporations—must view this decision as a momentum to develop internal legal awareness within their business systems. Many companies have traditionally regarded design or trademark registration as an optional formality that can be postponed. However, disputes such as the “Bensu” case demonstrate

that delays or negligence in registration may create legal vulnerabilities that can be exploited by other parties to lawfully appropriate design rights. Consequently, integrating legal compliance into the production and marketing cycle has become an absolute necessity in the modern era, particularly as business activities are increasingly interconnected through digital technology and media.

This decision may also serve as a public education tool for legal institutions, universities, and professional organizations in promoting awareness of the importance of legal protection for intellectual works. The Supreme Court's ruling implicitly signals that Indonesia's legal system is moving toward a more inclusive and ethics-based model of protection (Denny et al., 2022). It demonstrates that courts function not only as forums for examining evidence and documents, but also as arenas for assessing moral integrity and honesty in business practices. Therefore, relevant institutions should utilize this case as a widely disseminated case study through training programs, workshops, and legal assistance initiatives for business actors.

Nevertheless, it must be noted that the effectiveness of this decision is highly dependent on its technical implementation at the bureaucratic level and within lower courts. There remain numerous instances where design or trademark registrations proceed without substantive examination, and some district court decisions reveal divergent interpretations of the principles of good faith and novelty. Accordingly, beyond serving as a legal precedent, this ruling must be followed by systemic reforms, including legislative revision, enhancement of human resource capacity within the DGIP, and specialized training for judges handling intellectual property disputes to improve their understanding of both technical and ethical dimensions.

From the perspective of national economic development, strong protection of industrial designs and intellectual property in general constitutes a key prerequisite for fostering a conducive and sustainable business climate. Countries that have successfully established robust intellectual property ecosystems have proven capable of stimulating local innovation, promoting brand-based exports, and reducing dependence on foreign products. In this regard, decisions such as "Geprek Bensu" serve as indicators that Indonesia's legal system is undergoing transformation to respond to global challenges through a responsive and contextual legal approach.

## Conclusion

From a juridical perspective, the industrial design dispute between PT Ayam Geprek Benny Sujono and Ruben Onsu demonstrates the critical importance of applying the first-to-file principle as stipulated in Article 12 of Law No. 31 of 2000 on Industrial Designs. This principle affirms that rights over an industrial design are granted to the party who first lawfully files the application, rather than to the party who is factually the first creator. In this case, PT Ayam Geprek was proven to have registered the design earlier and in good faith, whereas Ruben Onsu was deemed to have registered a similar design after his involvement as a brand ambassador—an act that the judges assessed as a registration carried out with dishonest intent. The Supreme Court, in its cassation decision No. 162

K/Pdt.Sus-HKI/2021, reinforced the view that such conduct failed to meet the novelty requirement and contravened the principle of moral integrity in design registration. Accordingly, the legal construction developed by the courts did not rely solely on administrative legality, but also emphasized the integrity of the registrant, thereby strengthening a new direction in the enforcement of intellectual property law that is more substantive and ethically grounded.

From the standpoint of normative construction and its practical implications, this case sends a strong signal to business actors—particularly micro, small, and medium enterprises (MSMEs)—that industrial design registration must be conducted at an early stage and accompanied by good faith. The ruling also illustrates that legal protection for industrial designs does not depend merely on documentary formalities, but equally on the legitimacy of the registrant's intent. Beyond serving as an important precedent in intellectual property jurisprudence, this case reinforces the urgency of clarifying regulations concerning novelty and moral considerations within Indonesia's design registration system. Looking forward, this decision is expected to encourage revisions to the Industrial Design Law so that it becomes more adaptive to modern business practices, while simultaneously functioning as an educational guideline for business actors, emphasizing that strong legal protection can only be achieved when proper procedures are followed and honest intentions are maintained.

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