
Copyright Protection of Graphic Design Works on Print on Demand

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ABSTRACT

Graphic design is a profession responsible for developing and designing specific visual communications through images that successfully convey important messages, express emotions and values. This is achieved through a harmonious combination of visual elements such as typography, color, proportion, etc. The importance of this profession lies mainly in consideration of the image of today's society. Images are starting to dominate text, which is why more and more communication, advertising and marketing strategies are emphasizing visual formats, whether through photographs, brochures or posters. From a business strategy point of view, graphic design is essential for strengthening a company's image and differentiating itself from the competition. In addition, you must master product design techniques in both print and digital forms. A graphic designer should thoroughly understand copyright protection, which is essential to avoid infringing on the creator's economic and moral rights. Copyright is the right to work in the fields of science, literature and art. Graphic design is one form of work that is protected by copyright. POD or Print On Demand, is a method where designers collaborate with suppliers to print their designs on white-labeled items whenever customers request them, such as blankets, mugs, or t-shirts. Graphic design is one type of creation that is protected by copyright under the Copyright Act. The existence of the Copyright Act has not made Indonesia compliant with copyright protection. There is still frequent use and procurement of graphic designs without obtaining permission from the creator, so it is necessary to study the rights of creators to graphic designs used in sales products in Indonesia.

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I. INTRODUCTION

Copyright protection of graphic design works in Print On Demand (POD) is an important issue in the creative industry. POD is a popular method of printing and distributing products with unique graphic designs, but it also poses challenges in maintaining the originality and copyright of graphic design works. To understand copyright protection in POD, there are several factors to consider. Firstly, graphic designers need to have a good understanding of copyright and related laws in their country of operation. Knowing their rights and obligations as creators of graphic design works will help them in protecting their works. Furthermore, copyright registration can be an important step in protecting graphic design works on PODs. Copyright registration provides proof of legality and proof of ownership of the work. With registration, graphic designers have a strong legal basis to protect their work in case of copyright infringement. In addition, it is also important to consider precautions in designing

graphic designs on PODs. Graphic designers can use techniques such as adding watermarks to designs, using unique and complex elements, or using encryption methods to protect designs from unauthorised use.

In the face of copyright infringement issues, graphic designers on PODs need to conduct active copyright monitoring and enforcement. This involves monitoring the usage of their graphic designs on the POD platform and taking action in case of infringement. Actions that can be taken include requesting the removal of infringing designs, negotiating with the infringing party, or even legal prosecution if necessary.

normative supporting data regarding copyright protection of graphic design works on Print On Demand:

1. Copyright Law in Indonesia

In Indonesia, copyright protection of graphic design works is regulated under Copyright Law No. 28 of 2014. This law provides automatic protection to the creator of the original work from the time the work is produced. Copyright includes economic and moral rights that include reproduction rights, distribution rights, performance rights, and announcement rights. The use of works without the permission of the copyright owner can be considered as copyright infringement.

2. Copyright Protection on Graphic Design Works

Graphic design works fall under the category of applied art works and are considered works protected by copyright law. This applies to graphic designs applied to Print On Demand products such as t-shirt designs, product packaging, posters, and so on. Creators have the exclusive right to control the reproduction and distribution of their works.

3. Copyright Protection Mechanism

To get stronger copyright protection, creators can take steps such as copyright registration with the Directorate General of Intellectual Property (DJKI) at the Ministry of Law and Human Rights of the Republic of Indonesia. Copyright registration can be strong evidence in dispute resolution and provide clearer legal protection.

4. Copyright Infringement in Print On Demand:

In the Print On Demand industry, there is a risk of copyright infringement that can occur if someone uses a graphic design work without the permission of the copyright owner. This often happens when someone uploads a copyrighted graphic design to a Print On Demand platform to be printed on products such as t-shirts, posters, or other merchandise. In this case, the Print On Demand platform has a responsibility to ensure that the uploaded design does not infringe copyright.

II. RESEARCH PROBLEMS

1. How is the mechanism of copyright protection of graphic design works applied in the Print On Demand industry and is the mechanism effective in protecting the copyright of the work owner?
2. What are the legal challenges faced in the protection of copyright of graphic design works on Print On Demand, including the roles and responsibilities of platforms in preventing copyright infringement?

III. RESEARCH METHODS

This research uses normative juridical research type:

a) Literature Study:

Conducting a literature study that involves tracing applicable laws and regulations related to copyright protection in Indonesia, including in the context of Print On Demand. You may review the Copyright Act, relevant regulations, court judgements, and related publications published by legal and intellectual property institutions.

b)Regulatory and Policy Analysis:

Analyse the regulations and policies issued by the government or relevant agencies relating to the copyright protection of graphic design works on Print On Demand. This involves a review of government regulations, platform policies, and guidelines issued by copyright agencies.

IV. RESULT AND DISCUSSION

1. The mechanism of copyright protection of graphic design works applied in the Print On Demand industry in Indonesia

The Print On Demand industry in Indonesia has presented new challenges in the protection of copyright of graphic design works. To protect the copyright of the work owner, a number of mechanisms have been implemented in this industry.

Firstly, the fundamental copyright protection mechanism is the Copyright Act in Indonesia. This law provides automatic protection to created works, including graphic design works, without the need for special registration. The owner of the work has economic rights that include reproduction, distribution, sale, and exhibition rights. This mechanism provides a strong legal basis to protect the copyright of graphic design works on Print On Demand.

Secondly, in the Print On Demand industry, the licence agreement between the work owner and the platform is very important. This agreement can set limitations on the use of the work and provide permission for

other parties to use the work. Through the licence agreement, the work owner can ensure that their copyright remains protected and the use of the work is done in accordance with the agreement.

In addition, Print On Demand platforms also play an important role in copyright protection. They can conduct surveillance of content uploaded by users to prevent copyright infringement. By implementing effective monitoring mechanisms, platforms can help prevent the dissemination of unauthorised works and protect the copyright of work owners.

Although such copyright protection mechanisms have been put in place, challenges remain in identifying copyright infringement that occurs online, obtaining strong evidence, and pursuing legal action effectively. In addition, Print On Demand users' awareness and compliance with copyright rules is also an important factor in the effectiveness of protection. In this context, there is a need for synergy between the government, work owners, and Print On Demand platforms to enhance copyright protection. Through good cooperation and awareness raising, the copyright protection mechanism of graphic design works in the Print On Demand industry in Indonesia can become more effective in protecting the copyright of the work owner.

The copyright protection mechanisms implemented in the Print On Demand industry in Indonesia can be considered effective in protecting the copyright of work owners. Several studies and articles have discussed the effectiveness of these mechanisms, highlighting the importance of licence agreements, content monitoring by platforms, and available enforcement mechanisms. However, it is important to note that the effectiveness of such mechanisms may vary depending on factors such as user awareness, cooperation between the work owner and the platform, and the ability of the work owner to pursue legal action. With good co-operation between work owners, platforms, and related parties, copyright protection mechanisms can play an effective role in protecting the copyright of work owners in the Print On Demand industry.

Common legal actions are taken to protect the copyright of the owner of the work:

1. Warning Letter (Cease and Desist Letter)

The owner of a work may send a warning letter to an infringer who uses the work without authorisation. The letter describes the offence committed and demands cessation of use of the work as well as a claim for damages. This letter can be the first step to try to resolve the case amicably without involving the court.

2. Out-of-Court Settlement

The owner of the work and the infringer may try to settle the case amicably through negotiation or mediation. They may reach an agreement on damages, cessation of use of the work, and other measures necessary to respect the copyright of the work owner.

3. Content Removal (Takedown)

The work owner can submit a takedown request to the Print On Demand platform. Platforms usually have procedures governing the removal of copyright-infringing content. The work owner must provide sufficient evidence to support their claim and complete the form requested by the platform.

4. Legal Action

If the out-of-court settlement attempts are unsuccessful, the work owners can file a lawsuit in court to enforce their copyright. They can sue for damages and file a request to stop the unauthorised use of the work. Court proceedings will involve presenting evidence and legal arguments to obtain a favourable decision for the work owner.

5. Criminal Legal Action

If the copyright infringement is considered serious and massively damaging, the owner of the work may report the infringement to law enforcement. In criminal cases, the infringer may be subject to criminal sanctions, such as fines or imprisonment, depending on the applicable legal regulations.

2. Legal challenges faced in the protection of copyright of graphic design works on Print On Demand, including the role and responsibility of platforms in preventing copyright infringement

Copyright protection of graphic design works in the Print On Demand industry faces a number of legal challenges that need to be addressed. In relation to the platform's role and responsibility in preventing copyright infringement, the following are some of the relevant challenges:

a) Identification of Infringement

One of the key challenges is to identify copyright infringements that occur on Print On Demand platforms. Due to the large number and variety of works uploaded, platforms must have effective mechanisms in place to detect infringement. They need to utilise technologies such as automatic scanning and use of watermarks to help identify copyrighted content

b) Weak Copyright Protection

Another challenge is that there are loopholes in copyright protection that make graphic design works vulnerable to infringement. Some countries may have inadequate copyright laws governing digital works or works created by algorithms. This may lead to lack of clarity in protection and affect efforts to fight infringement on Print On Demand platforms.

c) Platform Roles and Responsibilities

Print On Demand platforms have an important role to play in preventing copyright infringement. They are responsible for setting clear policies regarding the use of copyrighted works. This involves a process of verification and validation of works uploaded by users. Platforms should also have a robust monitoring system to identify and remove copyright-infringing content.

d) Reporting and Handling Infringements

Another challenge is to facilitate effective reporting and redressal of copyright infringement. Platforms should provide an easily accessible mechanism for work owners to report infringements. They should also follow up on such reports quickly and take necessary action, such as removing infringing content or terminating the access of infringing users.

e) Cooperation with the Work Owner

Cooperation between platforms and work owners is essential in preventing copyright infringement. Platforms should build partnerships with work owners and facilitate an effective report-remove process. Work owners should be given the means to easily report infringements, and platforms should act proactively in dealing with such infringements.

f) Enforcement Mechanism

Another challenge is to put in place an effective enforcement mechanism to protect the copyright of the work owners. Work owners should have the ability to pursue legal action against copyright infringement that occurs on Print On Demand platforms. This involves understanding and utilising the relevant legal framework as well as identifying the perpetrators of infringement.

Addressing these challenges requires collaboration between the government, platforms, work owners, and other stakeholders. Clear policies and regulations need to be put in place to strengthen copyright protection in the Print On Demand industry. In addition, the active role of platforms in implementing strict policies, developing better algorithms and technologies, and facilitating co-operation with work owners and law enforcement, will be an important step in preventing and addressing copyright infringement in the Print On Demand industry.

V. CONCLUSION

The mechanism of copyright protection of graphic design works applied in the Print On Demand industry in Indonesia has several important aspects. On the one hand, the application of copyright provides legal protection to the owner of the work and encourages innovation in the graphic design industry. These mechanisms include copyright registration, the use of watermarks, and platform monitoring to prevent copyright infringement. However, the Print On Demand industry also faces significant legal challenges in copyright protection. One of the key challenges is the identification of copyright infringement amidst the large number of works uploaded every day. Platforms must rely on technology and algorithms to detect copyright infringing content. In addition, there is a need for stronger legal protection in regulating digital works and works generated by algorithms.

The role and responsibility of platforms is also key in preventing copyright infringement. Platforms must carry out strict verification of uploaded works, and provide effective reporting and handling mechanisms for work owners. Work owners should also play an active role in reporting infringements and cooperating with platforms. In addition, co-operation between the government, platforms, and work owners is essential to overcome the legal challenges. Clear and firm regulations, as well as effective enforcement efforts, will enhance copyright protection. Platforms should also proactively strengthen policies and procedures relating to copyright.

In facing these challenges, there is a need for synergy between adequate legal regulations, advanced technology, and awareness and co-operation from all relevant parties. These efforts will support more effective protection of copyright of graphic design works in the Print On Demand industry in Indonesia.

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