



Analysis Of Potential Industrial Design Infringement In The Similarities Between Glad2glow And True To Skin Cushion Packaging

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ABSTRAK

Desain kemasan berperan penting dalam membangun identitas merek dan meningkatkan brand recognition. Penelitian ini bertujuan menganalisis potensi pelanggaran desain industri atas kemiripan kemasan cushion Glad2Glow dan True To Skin dengan pendekatan kualitatif deskriptif melalui analisis visual meliputi bentuk, warna, tipografi, material, dan sistem aplikator. Hasil analisis menunjukkan adanya kesamaan pada bentuk bulat yang bersifat generik, namun terdapat perbedaan signifikan pada aspek warna, tipografi, material, dan aplikator. True To Skin menampilkan gaya minimalis dengan palet netral dan material matte, sedangkan Glad2Glow lebih menonjolkan kesan girly dengan warna cerah, tipografi playful, serta material glossy. Meskipun publik menyoroti kemiripan keduanya, hukum desain industri tidak melindungi bentuk umum atau fitur fungsional yang lazim digunakan. Perubahan aplikator True To Skin menjadi berbentuk hati pada 2025 semakin memperkuat diferensiasi visual. Dengan demikian, kemiripan yang ada tidak cukup substansial untuk menimbulkan kebingungan konsumen atau dikategorikan sebagai pelanggaran desain industri, sehingga sengketa lebih bersifat persepsi publik daripada pelanggaran hukum yang nyata.

ABSTRACT

Packaging design plays a crucial role in shaping brand identity and enhancing brand recognition. This study aims to analyze the potential infringement of industrial design arising from the similarity between the packaging of Glad2Glow and True To Skin cushions. A descriptive qualitative approach was employed using visual analysis of form, color, typography, material, and applicator system to identify and compare the industrial design elements of both products. The findings reveal similarities in the circular shape, which is considered generic, but significant differences exist in color, typography, material, and applicator design. True To Skin presents a minimalist style with neutral tones and matte material, while Glad2Glow emphasizes a girlish impression with bright colors, playful typography, and glossy material. Although public discourse highlighted their resemblance, industrial design law does not provide protection for common forms or functional features widely used in the industry. The modification of True To Skin's applicator into a heart shape in 2025 further reinforced its visual and functional differentiation. Therefore, the observed similarities are not substantial enough to cause consumer confusion or to be classified as industrial design infringement. Moreover, no evidence was found to suggest intentional imitation by Glad2Glow. In conclusion, the dispute over these cushion packages is more a matter of public perception than a genuine violation of industrial design law.

INTRODUCTION

The beauty industry has experienced rapid growth in parallel with the increasing public awareness of aesthetics and personal appearance. This phenomenon has intensified competition

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among brands, compelling them to develop innovative products with strong visual appeal, particularly through packaging design. Packaging serves not only as a protective container but also as a vital medium of brand communication, functioning to attract consumer attention in an increasingly competitive marketplace. This dynamic is equally evident in base makeup products, which play a crucial role in enhancing facial complexion and creating a captivating appearance.

One type of base makeup widely used in the beauty industry is the cushion. A cushion is a cosmetic product that functions as a foundation, similar to powder, and has gained popularity among many women due to its practical packaging, affordable price, and ease of use, particularly for beginners who are just starting to explore cosmetics (Wahyuni et al., 2024).

The appeal of cushion products lies not only in their formulation but also in their compact and stylish packaging design. Packaging shape serves as a distinctive characteristic of a product, requiring differentiation to establish brand identity. The physical form of packaging reflects the size of the product contained within, assisting consumers in estimating the volume or weight of the product. Attractive packaging, especially when perceived as larger, tends to increase consumer interest and purchasing decisions, ultimately contributing to higher sales. Thus, packaging design plays a dual role: enhancing consumer appeal while simultaneously protecting the product. Moreover, packaging serves an equally important function in maintaining product quality and safety (Mufreni, 2016).

The packaging of cushion products such as Glad2Glow and True To Skin has proven effective in preserving product quality and ensuring user convenience. The design of these cushion packages is intended to facilitate hygienic and practical application, while also minimizing the risk of leakage from liquid or cream-based formulations. The closed applicator system commonly employed in cushion packaging is specifically designed to protect the product from physical damage, contamination, and environmental exposure, while offering ease of use for consumers. The effectiveness of such carefully designed packaging not only meets consumer needs but also provides promotional value for producers (Lestari, 2025). In addition, essential information such as composition, expiration date, and usage instructions is included on the packaging to comply with regulatory requirements and guide consumers. Nevertheless, despite these innovations, a significant challenge arises from the similarity in packaging design between Glad2Glow and True To Skin.

In the beauty industry, product similarities are often unavoidable; however, the boundaries of legal acceptability must be carefully considered. According to Law No. 31 of 2000 on Industrial Design, protection is granted only to designs that demonstrate novelty. Prohibited similarities are those deemed substantial, involving unique and distinctive aesthetic elements, resulting in designs that appear nearly identical or that cause consumer confusion.

Industrial design ownership plays a crucial role in safeguarding unique packaging designs that serve as a brand's identity. Design owners hold exclusive rights to control the use of their designs and to prevent others from producing imitations. Therefore, understanding industrial design rights is

essential for stakeholders in the beauty industry to protect their intellectual property assets and to minimize the risk of industrial design infringement.

RESEARCH OBJECTIVE

This study aims to analyze the potential industrial design infringement arising from the similarities in packaging between the Glad2Glow cushion and the True To Skin cushion.

LITERATURE REVIEW

The Concept of Industrial Design in Intellectual Property Law

Law No. 31 of 2000 on Industrial Design defines industrial design as a creation related to the shape, configuration, or composition of lines and colors that produces an aesthetic impression and can be embodied in either three-dimensional or two-dimensional form. Holders of industrial design rights possess exclusive authority to prohibit others from manufacturing, using, selling, or importing products that are identical or substantially similar in design. Industrial design protection is valid for ten years from the date of application. Infringement occurs when another party's design demonstrates substantial similarity that may cause consumer confusion. The primary purpose of industrial design protection is to encourage aesthetic innovation while providing legal certainty for business actors (Saidin, 2019).

Within the cosmetics industry, product packaging design plays a crucial role in establishing identity and distinctiveness. Careful elaboration of design elements—ranging from shape selection to packaging materials—has the potential to significantly enhance visual appeal for consumers. Attractive and distinctive packaging not only facilitates brand recognition but also enables products to stand out amidst intense market competition (Mufreni, 2016).

Novelty constitutes a fundamental requirement for a design to obtain legal protection. A design is considered novel if it is not identical to any prior disclosure, whether documented or publicly used (Law No. 31 of 2000, Article 2). The concept of substantial similarity serves as a critical criterion in determining industrial design infringement. According to Article 9 of the same law, infringement occurs when another party manufactures or sells products that are substantially similar to a registered design.

It is important to note that industrial design protection extends only to aesthetic aspects, not functional elements. Functional components are those necessary for the operation of a product and cannot be separated from its utility (Law No. 31 of 2000, Explanatory Note to Article 1).

In the cosmetics industry, visual differentiation is typically achieved through the selection of colors, typography, materials, and surface finishing (Kotler & Keller, 2016). Although the basic form of packaging may often be similar, visual identity can still be distinguished through these aesthetic elements.

METHODS

This study employs a descriptive qualitative approach using visual analysis to identify and compare industrial design elements in the packaging of the Glad2Glow cushion and the True To Skin cushion. Both objects were examined based on visual documentation, including product photographs, physical packaging, and official promotional materials.

Data collection techniques consisted of direct visual observation of the physical product packaging, digital documentation in the form of packaging images obtained from official websites, and a review of relevant literature. Subsequently, the visual analysis was conducted by categorizing the objects into five principal elements of industrial design: form, color, typography, material, and applicator system. These categories were derived from established frameworks commonly applied in product design studies (Heskett, 2005; Ware, 2013).

RESULTS AND DISCUSSION

According to Law No. 31 of 2000, industrial design is defined as an aesthetic creation in two- or three-dimensional form that produces a visual impression and can be applied to products, goods, industrial commodities, or handicrafts. Rahastine (2018) further emphasizes that the use of icons and visual elements in product packaging can enhance brand recognition, as exemplified in the packaging of the Glad2Glow and True To Skin cushions.

The True To Skin cushion was first launched in November 2023, followed by the Glad2Glow cushion, which was officially released on August 21, 2024, and announced through its official Instagram platform. These launch timelines highlight the competitive dynamics within the beauty industry, where packaging design and brand communication strategies play a pivotal role in product differentiation and consumer engagement.



Figure 1. Packaging of the True To Skin Cushion (Previous Version)
Source: google.com (<https://www.sociolla.com/cushion/80291-skinlike-porefecting-cushion>)

The packaging of the True To Skin cushion adopts a compact, classic round design with slim and minimalist proportions, thereby conveying a modern and clean aesthetic. The color palette is dominated by neutral tones such as beige, cream, and white, which reinforce the brand's identity as oriented toward natural beauty (clean-beauty) and create a premium yet understated impression. Minimalist sans-serif typography, characterized by clarity and modernity, is applied with precise text placement to strengthen the brand image of simplicity, naturalness, and elegance. The compact

material, likely composed of matte or semi-matte plastic, contributes to a premium and minimalist appearance, while the matte texture enhances the elegance of the packaging. The cushion puff, typically in a teardrop or circular shape, is designed with a soft and smooth texture to ensure even application of the product.



Figure 2. Packaging of the Glad2Glow Cushion

Source: google.com (<https://www.popbela.com/beauty/make-up/rekomendasi-shade-cushion-glad2glow-n3v01-00-m97rq-lw1fy>)

The packaging form and applicator design of the Glad2Glow cushion demonstrate notable similarities to the True To Skin cushion through the use of a rounded shape. However, the Glad2Glow cushion appears slightly bulkier, suggesting the possible use of a more absorbent internal sponge that dispenses a greater amount of product. Subtle visual distinctions are evident in the Glad2Glow cushion, which tends to employ brighter and more feminine colors such as pink or rose-gold. These choices convey a fun, glowing, and eye-catching impression, aligning with a younger target market. The typography is more stylish and playful, incorporating feminine accents, while the branding is presented in a bold and prominent manner, reinforcing a youthful and trendy image. The compact material appears to utilize glossy or semi-glossy plastic, producing a shiny effect consistent with the “glow” concept.

In response to public feedback highlighting the similarities between the Glad2Glow and True To Skin cushions (Lestari, 2024), as documented on the official Instagram account @glad2glow, True To Skin introduced a redesign of its cushion packaging in late May 2025. The announcement was made through the brand’s official Instagram platform. The most significant modification involved the cushion applicator, which was redesigned into a heart shape. This innovation not only provides a distinctive aesthetic value but also enhances the functionality of the applicator, enabling broader coverage and a more flawless application.



Figure 3. Differentiation Strategy in the Packaging Design of True To Skin (New Version)
 Source: google.com (<https://shopee.co.id/Ready-True-To-Skin-Skinlike-Porefecting-Cushion-truetoskin-i.88057134.24402455447>)

Table 1. Analysis of Potential Industrial Design Infringement

Design Element	Glad2Glow Cushion	True To Skin Cushion	Potential Infringement Analysis
Form	Rounded, bulkier, chic	Rounded, slim, minimalist	The rounded form is generic and difficult to establish as a basis for legal claims.
Color	Bright tones (pink/rose-gold), youthful and feminine	Neutral tones (beige, cream, soft white), clean and natural	Although distinguishable, both fall within the broader soft-pink category; thus, the difference is not substantively significant to support infringement claims.
Typography	Playful, stylish, feminine accents	Minimalist sans-serif, clean and modern	Clear branding differences reduce the likelihood of consumer confusion.
Material	Glossy or semi-glossy plastic, shiny finish	Matte or semi-matte plastic, premium finish	Material differences diminish the risk of infringement.
Applicator	Rounded puff, bulkier design	Smooth puff with natural finish; redesigned into a heart shape in May 2025	The applicator design has become increasingly distinct, weakening potential infringement claims.

Within the domain of industrial design law, an act is considered an infringement when the overall form of a contested product is identical or exhibits substantial similarity, thereby creating the potential for consumer confusion or conveying the impression that the product originates from the same brand. In the present case, although both cushion products share a similar basic form—namely, a circular shape—it must be noted that the circular form is a generic design commonly employed in the industry and does not constitute a unique design element.

Furthermore, significant differences in finishing, color, typography, and proportions between the two products indicate that the existing similarities are not sufficiently substantial to be categorized as industrial design infringement. Industrial design law does not extend protection to generic forms, functional features, or elements that are widely utilized within the industry. Given that cushions are generally produced in circular form, such a shape cannot be claimed as an exclusive design.

Finally, while intent to copy is not a mandatory element in establishing industrial design infringement, it may strengthen a case if proven. In this instance, no public evidence suggests that Glad2Glow intentionally sought to imitate the design of True To Skin. Allegations of “imitation” circulating in the public sphere are more appropriately regarded as opinion rather than legally substantiated claims. Accordingly, it can be concluded that there is no indication of intent to copy in this case..

CONCLUSION

Based on the comparative analysis of the cushion designs of Glad2Glow and True To Skin, it can be concluded that the similarities identified do not fulfill the criteria required to constitute industrial design infringement. This conclusion rests on several considerations. The circular shape, which forms the basis of the similarity, is a generic form commonly employed in the cosmetics industry and cannot be regarded as a unique design element. The resemblance is limited to general features rather than distinctive or differentiating characteristics. In contrast, other visual elements such as color, typography, and material demonstrate clear distinctions between the two products.

Moreover, no evidence was found to indicate intent to copy on the part of Glad2Glow with respect to the design of True To Skin. The redesign of True To Skin’s cushion applicator into a heart shape in 2025 further reinforces both visual and functional differentiation. The similarities present are not sufficiently substantial to cause consumer confusion or to be classified as industrial design infringement. Additionally, allegations of imitation remain speculative and are not supported by legal evidence.

In conclusion, the dispute surrounding the packaging of these cushion products appears to be more a matter of public perception than a demonstrable violation of industrial design law. Overall, the available evidence does not substantiate claims of industrial design infringement.

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