

# Registration of Brands in the Directorate General of Intellectual Property as an Effort to Protect the Brand as Assets of the Company

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*Abstract---Brands as intellectual property rights have very important values for the company. So called, because from a legal perspective, a brand is qualified as a company asset as an intangible object. Therefore, for established companies, pay close attention to how to protect the trademarks used by these companies from being illegally imitated or falsified by others people by registering the trademarks. Somewhat different from the case of small business enterprises, especially for business man who are just starting a business, often the trademark used is considered unnecessary to be registered. It may not be registered trademarks used by business man, because of ignorance that trademarks as company assets need to be protected by registering or it could be because the process of registering trademarks is quite complicated and the cost of registering trademarks is quite expensive. This view needs to be changed, namely to protect the brands used to be legally protected and need to be registered. Juridical, brand protection is regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications. In this law, it is explained: The right to a mark is an exclusive right granted by the state to the owner of a registered mark for a certain period of time by using the mark himself or giving permission to other parties to use it (see article 1 point 5). What is explained in the trademark law can be seen that the rights to the trademark are exclusive rights for the owner who has registered the mark. As exclusive rights, brand owners can produce and can also sell or license to others. More about this is explained in Article 3: The right to a mark is obtained after the mark is registered. So here it can be seen that to protect the trademark it needs to be registered. There is also an institution that manages trademark registration in Indonesia is the Directorate General of Intellectual Property, Ministry of Law and Human Rights of the Republic of Indonesia. The requirements that must be met for registering a mark are set out in Article 4 of the Trademark Law. Paying close attention to the importance of trademarks as company assets, trademark registration is an effort to protect trademarks used by companies so that they are not used illegally by others people.*

**Keywords:** brand, registration, company assets

## I. INTRODUCTION

One aspect that is quite important in business activities is the brand that will be used by the company. The mark is used in producing goods and or services. It could be that the brand to be used is the same as the name of the company that will produce the goods and or services. But it can also be between the name of the company with the name used in the goods and or services to be produced differently from the company name. In other words the name of the goods and services to be produced have been prepared by the owner of the company. How the model will be chosen by the business actor in determining the brand that will be used in the production of goods and/or services, of course very much depends on the vision and mission that has been determined by the owner of the company when he wanted to establish a company. Apart from the models or options mentioned above, there are also other choices, when viewed from a business standpoint that is quite practical, namely the brand acquisition model. This last model, in terms of time to introduce a brand to consumers is relatively short-term and it could even be that the brand is already known by consumers and has been registered in the country of origin of the goods produced.

As stated by Erlina, building a strong brand requires hard work and relatively long time. Therefore it will be much faster and less risky, if you acquire a brand that is already known and has a loyal market compared to creating a new brand or brand that is not necessarily successful.[1]

What is expressed by this expertise can be seen that the brand is something that is quite important in carrying out business activities. For this reason, it needs to be carefully examined in determining the brands to be used in goods and services that will be produced by the company.

Why is the brand called so important in carrying out business activities? To answer this question it is interesting to follow the opinion expressed by K Bagus Wardianto, quoting Kotler and Keller's opinion, for companies, brands are a very valuable part that can influence consumer behavior and provide their owners with sustainable future income security.

This is because good brands are made through excellent product quality. In other words, it is through this brand that a person or group of consumers will find it

easier to recognize a product or service from a company, including the identity or name of the company concerned.[2]

From what was said by the experts above, it appears that through the brand used by the company, consumers can distinguish similar goods and or services that are traded by a number of companies. In addition, with a well-known brand, consumers can find out the quality of traded goods and services. Given the importance of the brand in running the company, the brand is used as a corporate asset. As *Jacinta Winarto* cited *Kotler and Davis's* opinion, for companies, brand equity can provide value that can enhance the success of a marketing program in attracting new consultants or embracing old customers. Brand is used by companies to dominate the market. The brand is the company's most important and valuable asset.[3]

Referring to the opinion above, it can be seen that the brand as a company asset in the form of intangible objects, increasingly important role in the company. Such intangible objects in the legal science library are qualified as intellectual property rights. One of them is included in the scope of intellectual property rights are trademarks. Brands as company assets need to be maintained so that they are not imitated by business competitors who want to take advantage of the names of goods and services that are well known to consumers.

Viewed from a normative legal perspective that can be done by the trademark owner to protect the trademark by registering the mark the agency designated for this is the Trademark Office at the Directorate General of Intellectual Property Ministry of Law and Human Rights of the Republic of Indonesia. Legally formally, by registering a mark that is used by the company, the mark as an asset of the company has received strong evidence. This means that the brand owner has an exclusive right to promote the brand. The problem is whether the trademark has been registered automatically cannot be canceled? To analyze this, it is necessary to study in more detail through this research.

## II. RESEARCH METHODS

The research method used in the study is normative juridical with the statutory approach. There are also reasons for the use of normative juridical research methods, because what is intended to be analyzed in answering the above problems is the legislation related to the brand, namely Law Number 20 Year 2016 Regarding Trademarks and Geographical Indications. While the data source used is secondary data, namely research results that have been published in journals, as well as reference books related to brands. From the results of the analysis of the data obtained through a literature study, narrative is described.

## III. FINDINGS AND DISCUSSION

### 1. Brand as Company Assets

At the beginning of this article, it has been explained that brands have a very important role in producing goods and or services. If so, what is the function of the brand in conducting business transactions? To answer this question, experts give a variety of opinions, including *Henry Soelistyo*, arguing, in the global era, the role of brands becomes more important in maintaining and realizing healthy competition. Therefore, the brand has a dual role which is to be an identification or identity as well as an indication of the origin of the goods.[4]

The function of the brand is more broadly stated by *Agung Indriyanto and Irnie Melda Yusnita*, there are 4 (four) brand functions, first, as identification of the origin of the product. The identification function refers to the original identity of the goods; second, as a product differentiator. With the presence of consumer brands, they are able to differentiate one product from another; third, as a guarantor of product quality.

The brand maintains product quality consistently, because the brand acts as a guarantee to consumers and fourth, goodwill and promotion functions. For brand manufacturers not only convey information about products to consumers, but also build goodwill and make it possible to create additional impetus for the product to be purchased. Goodwill is an intangible asset consisting of good name and reputation for customer satisfaction. The brand is one of the producers' good faith.[5]

From what the intellectual property experts put forward above, it can be seen, the brand has a function not only as an identification and to explain the origin of the goods being traded, but the brand also functions as an asset like a company. For this reason, company assets in the form of brands must be managed properly, because this also has to do with overall economic development and business transactions in particular.

This means that through brands various products produced by companies are not only traded domestically but can also cross between countries by exporting goods and or services. As stated by *Slamet Yuswanto*, intellectual property is not only an aspect of legal protection, but also affects the macro economy of a country, among others, can be used to increase exports of quality products (through global national brands), promote technological progress and encourage research and development, develop products as local and national identities and give awards as well as recognition for one's creativity and innovation. It is no less important that intellectual property is used as a means of business competition.[6]

Thus it can also be stated here, the brand as a corporate identity, what is produced quality. For this reason, the company must protect the trademark from being used by people who do not have the rights to the trademark owned by the company. The question may arise, since when did the company have the rights to the brand it used? In the theory of intellectual property rights, there is a registration regime.

This means to get the rights to the mark, registration must be submitted. As stated by *R. Murjiyanto*, with the registration system as the basis for granting rights, the protection of rights applies to registered trademark owners. The registering party is the only one entitled to a Mark and the third party must respect the registrant's rights as an absolute right.[7]

For companies, especially for big companies, they already understand well to protect the mark to be used, the mark must be registered to the place of registration specified in the trademark regulations in the country where the goods are produced. Unlike the case with small companies and even more so for companies that are just starting out in business, in general, the brands used are often neglected, not registered.

As stated by *Andrew Betlehn and Prisca Oktaviani Samosir*, the importance of trademark registration of business actors in Indonesia has not been fully realized by the classes of business actors. In Indonesia, there are classes of business actors such as Micro, Small and Medium Enterprises, where a small percentage have registered trademarks with the Director General of Intellectual Property compared to non-Micro, Small and Medium Enterprises.[8]

It may be that the issue of trademark and service is still ignored, because what is focused first is how to build the company so that it can stand firmly. It may also be that the trademark has not been registered as an effort to protect the trademark because of ignorance that the mark needs to be registered. Or it could be that small business operators are lazy to register trademarks because they do not want to be bothered, as stated by the Director General of Small and Medium Enterprises in the Ministry of Industry of the Republic of Indonesia, assessing that awareness of Small and Medium Industries to register Intellectual Property Rights is still very weak.

At the moment, there are only 100 (one hundred) registered brands and only 60 (sixty) brands have passed. This happens because they are often lazy with the process that must be taken in the registration of Intellectual Property Rights because in the registration of Intellectual Property Rights in this case there must be a synopsis. Another reason is because it has not been registered related to the issue of costs.[9]

Noting that a number of brands that have been used by business actors in producing and marketing goods and services have not yet been registered, it is necessary to understand what the true nature of a brand is for businesses.

In this context, it is necessary to pay close attention to what is expressed by experts such as *Tri Septin MR* arguing that brands are the company's most valuable assets. Therefore building and managing brand equity has become a priority for any company, in all types of industries, and in all types of markets.[10]

A similar opinion is expressed by *Sulasi Rongiyati*. In addition to being used or used by the owner to distinguish certain goods or services from other goods of a similar type, a brand also contains a very broad legal aspect both for the owner or holder of trademark rights and for the

community as consumers who use or utilize goods or services from certain brands.[11].

From what has been said by the two experts above, it is increasingly apparent that a brand as an asset of a company in order to obtain legal protection requires legal action in this case the mark used by the company must be registered in order to obtain legal certainty. By registering a trademark, registrants are given exclusive rights.

As stated by *Syahriyah Semaun*, trademark registration in this case is to give status that the registrant is considered as the first user until someone else proves otherwise. There is no trademark rights without registration. This is what brings more certainty.

Because if someone can prove he has registered a trademark and he is given a Trademark Certificate which is proof of his ownership of a trademark, then other people cannot use it and other people are not entitled to use the same trademark for similar items as well.[12]

An interesting thing is also related to the importance of trademark registration stated by *Sufiarina*. Through this registration of intellectual property rights, the state provides protection for people who fulfill the requirements to register, and will give exclusive rights to those who have successfully registered. The intended protection is in the form of receiving exclusive rights which are monopolistic for a certain time and only owned by people directly related to the registered intellectual property.

Through the exclusive rights of the owner of intellectual property rights can prevent others from making, using or doing something about these intellectual property rights without permission.[13]

## 2. Types of Brands

If this is the case, the question arises whether anyone can register the mark used; Are there conditions that must be met to register a trademark and where the mark must be registered? To answer that question, it is better to first know the legal basis for regulating trademarks. In Indonesia, trademarks are regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications (Law No. 20/2016).

What is a Trademark? This is explained in Article 1 number 1: Trademark is a sign that can be displayed graphically in the form of images, logos, names, words, letters, numbers, arrangement of colors, in the form of 2 (two) dimensions and/or 3 (three) dimensions, sound, hologram, or a combination of 2 (two) or more of these elements to distinguish goods and/or services produced by persons or legal entities in the trading of goods and/or services.

From the normative understanding of brands, it can be seen that a brand is a "sign" used in the trade of goods and/or services. The sign is intended to differentiate from similar goods and/or services that are produced, traded by business actors. Signs used in the production of goods and or services in a limitative manner in Law No 20/2016 can be mentioned in the form of images, logos, names, letters, numbers, color arrangements. in the form of 2 (two) dimensions and/or 3 (three) dimensions, sound, hologram,

or a combination of 2 (two) or more of these elements. So the brand is used as a sign to differentiate from similar goods and or services.

This is important to be distinguished, so consumers can compare the quality of goods and or services offered by businesses. As stated by *Irene Svinarky; Ukas; and Padrisan Jamba*, the function of a brand is so that consumers can characterize a product (both goods and services) to own company rights so that they can be distinguished from other similar or similar company products owned by competitors.

Consumers who are satisfied with a particular product will usually buy with or use these products in the future. Brands can also be an added value for companies to invest in improving the quality of the products they have in order to guarantee the brand of their products that have a good reputation.[14]

Observing the importance of Trademarks, in Law No. 20/2016 2 (two) types of Trademarks are distinguished namely the first Trademark. This is explained in Article 1 number 2: Trademark is a Mark that is used on goods traded by a person or several people jointly or a legal entity to distinguish them from other similar goods. So here you can see trademarks used for goods. Can be owned by one person or several people together. And second is the Service Brand.

This is explained in Article 1 number 3: Service Mark is a Mark that is used for services traded by a person or several people jointly or a legal entity to distinguish it from other similar services. To the trademark owner who has registered his trademark for goods and or services, exclusive rights are given. This is spelled out in Article 1 number 5: The right to a mark is an exclusive right granted by the state to the owner of a registered mark for a certain period of time using the mark himself or giving permission to other parties to use it.

So here it is seen by registering a trademark, it can prevent others from using a registered mark. And if used illegally, then people who use illegally may be subject to sanctions both criminal and civil. As stated by *Syahriyah Semaun*, trademark registration as a basis prevents others from using the same mark in principle or as a whole in the circulation of goods or services. Trademark registration aims to obtain legal certainty and legal protection of the rights to the mark.[15]

By registering a trademark, the trademark owner has exclusive rights, as stated by *Agung Indriyanto and Irmie Melda Yusnita*, protection of intellectual property in this case the Trademark, giving the right to individuals to exploit the use of limited resources in ways that are not necessarily sensitive to other people's needs.[16]

### 3. Brand Registration Terms

Any conditions that must be met for the registration of the brand are set out in Article 4 Paragraph (1) of Law No. 20/2016: Application for trademark registration by the Applicant or its Authorization to the Minister electronically or non-electronically in the Indonesian

language; Paragraph (2): In the Application as referred to in paragraph (1) shall include:

- a) The Date, Month, And Year Of The Application;
- b) Full Name, Nationality, And Address Of The Applicant;
- c) The Full Name And Address Of The Authority If The Application Is Filed By Authorization;
- d) Color If The Brand For Which It Is Registered Uses A Color Element;
- e) The Name Of The Country And The Date Of The First Brand Request In The Case Of The Application Being Granted Priority Rights; And
- f) Class Of Goods And/Or Class Of Services As Well As Descriptions of the types of goods and/or types of services.

In submitting an application for the mark, it must be included with the label for which you wish to register. This is explained in Article 4 Paragraph (4): The application as referred to in paragraph (1) shall be accompanied by a Brand label and proof of payment of fees. In clarification Paragraph (4) stated: What is meant by "Trademark label" is an example of a Mark or label attached to the Application for Mark registration. Registered marks must have their own characteristics.

It is clear in Article 4 Paragraph (6) it is stated: In the case of Marks referred to in paragraph (4) in the form of 3 (three) dimensions, the Mark labels shall be attached in the characteristic form of said Marks. In the explanation of Paragraph (6) stated: What is meant by "characteristics of the Trademark" is a picture/painting that can be seen from the front, side, top, and bottom.

Another requirement must be noted by the registrant of the mark, that the registered mark is his. This is explained in Article 4 Paragraph (8): An application as referred to in paragraph (1) must be accompanied by a letter of ownership of the Trademark for which the registration is requested.

The importance of a statement from the owner of the mark so that, if there is a claim from another party, the registrant can provide an argument that the registered mark has never been registered in the name of another person and or that the registered mark does not have similarities with the registered mark. Another thing that also needs to be explained is that the registered trademark is the result of the creativity of the brand owner.

An original creativity is an intellectual work protected by law. In this regard it is interesting to examine what was stated by *Anik Tri Haryani and Maria Magdalena*, the brand will be increasingly important because the more recognized the public, the brand will be trusted and can become a brand image. Brands that are well known to the public will be an invaluable asset for companies and companies can compete widely in national and international markets. When a product already has a brand, the selling value will be much higher, and of course it will build its competitiveness.[17]

The brand registrant will be given a certificate of brand rights, subject to all the requirements set out in the brand registration and a substantive examination by the

brand inspector at the brand office, the legal minister issues the brand certificate. This is explained in Article 25 of Law No. 20/2016 Paragraph (1): The Brand Certificate has been issued by the Minister since the registration of the Brand; Paragraph (2): The Brand Certificate as referred to in paragraph (1) contains:

- a) The full name and address of the registered Brand Owner;
- b) The full name and address of the Authority, in the case of Application by Authority;
- c) Date of Acceptance;
- d) The country's name and the Date of Acceptance of the application for the first time in the application being made using Priority Rights;
- e) Registered Brand labels, including descriptions of the colors if the Brand uses a color element, and if the Brand uses a foreign language, non-Latin letters, and/or numbers not commonly used in Indonesian language with its English translation, Latin letters and numbers commonly used in Indonesian and its pronunciation in Latin spelling;
- f) Registration number and date;
- g) The class and type of goods and/or services to which the Brand is registered; and
- h) The duration of the Brand Registration period.

If the Mark is registered, the trademark owner is given the right to use the mark for a period of 10 (ten) years. This is explained in Article 35 paragraph (1) of Law No. 20/2016: Registered marks receive legal protection for a period of 10 (ten) years from the date of receipt;

The term of brand protection can be displayed at the same time. This is explained in Paragraph (2): The period of protection as referred to in paragraph (1) can be extended for the same period. To carry out the extension of brand licensing, the extension requirements must be considered. This is explained in Article 36 of Law No. 20/2016: Application for an extension is approved if attaching a statement about:

- a) The mark concerned is still used in goods or services as stated in the Mark certificate; and
- b) The goods or services as referred to in letter a are still produced and/or traded.

The institution that receives trademark registration in Indonesia is the Directorate General of Intellectual Property, the Ministry of Law and Human Rights of the Republic of Indonesia. More about this is elaborated in Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 67 Year 2016 Regarding Trademark Registration (Permenhukham RI No 67/2016).

By registering a mark, formally judicial position of the brand holder gets strong evidence. Even so, in certain cases the exclusive rights of registered trademark holders can be removed from the list of trademarks and or can be canceled. This is explained in Article 72 Paragraph (7) of Law No. 20/2016: Deletion of Trademarks registered at the Minister's initiative can be done if:

- a) Has similarity in principle and/or in whole with Geographical Indications;
- b) Contrary to state ideology, statutory regulations, morality, religion, decency, and public order; or
- c) Have in common in its entirety with traditional cultural expressions, intangible cultural heritages, or names or logos that are a hereditary tradition.

However, to do the brand removal done by the Minister requires a recommendation from the Trademark Appeal Commission. This is explained in Article 72 Paragraph (8): Deletion as referred to in paragraph (6) and paragraph (7) can be carried out after obtaining a recommendation from the Trademark Appeal Commission. A registered Mark may be canceled by suing the Commercial Court by a party that feels that its rights have been violated.

This is explained by Article 76 of Law No. 20/2016 Paragraph (1): A claim for revocation of a registered mark may be filed by an interested party based on the reasons referred to in Article 20 and or Article 21. There is also a party that can file a claim for cancellation of a mark that has been registered in the explanation of Article 76 Paragraph (1) stated: What is meant by "interested parties" includes owners of registered marks, prosecutors, foundations/ institutions in the consumer sector, and religious assemblies/institutions. In addition to the parties mentioned above, the paragraph explanation can also be submitted for cancellation by an unregistered trademark owner.

This is explained in Article 76 Paragraph (2): An unregistered Mark Owner may submit a claim as referred to in paragraph (1) after submitting an Application to the Minister. In the explanation of Article 76 Paragraph (2) stated: What is meant by "the owner of a Mark that is not registered" includes the owner of the Mark in good faith but not registered or the owner of a well-known Mark but the Mark is not registered.

#### 4. Brand Cancellation

So here we see, one of the reasons for canceling a registered mark is a matter of good faith. That is why when applying for trademark registration, the applicant must make a statement that the registered mark is the true property of the trademark registrar. Therefore, if there is a claim from a party that feels that their rights have been violated, it can file a lawsuit to the Commercial Court.

In a claim for cancellation of a mark, the principle in the lawsuit will apply, namely, whoever postulates something or denies the rights of others, he is obliged to prove the truth of his argument. Of course for those who already have a certificate of registration the brand has strong evidence. As stated by *Rakhmita Desmayanti*, brand protection is given after the trademark owner registers the trademark at the Trademark Office under the Directorate General of Intellectual Property under the Ministry of Law and Human Rights.[18]

It is also important to realize that to file a trademark cancellation claim through a lawsuit to the Commercial Court, he must pay attention to the grace period. This is

confirmed in Article 77 of Law No. 20/2016 Paragraph (1): A claim for cancellation of a Mark registration may only be filed within a period of 5 (five) years from the date of the Mark registration. So here we see the time provided by the Trademark Law, if you want to file a cancellation mark, it is 5 (five) years since the trademark was registered. In addition, to file a claim for the cancellation of a registered mark, there are requirements that must be met, and there are elements of bad faith from the registrant of the mark.

More about this is elaborated in Article 77 Paragraph (2): Cancellations can be filed indefinitely if there is an element of bad faith and/or the Mark concerned is contrary to the state ideology, statutory regulations, morality, religion, decency, and public order.

From what has been described above, one thing that must be considered is about good faith. In other words, the trademark registrant must have a good faith that is the trademark that is registered is not someone else's trademark, is not an imitation of an existing trademark, but is really the work itself.

As stated by Henry Soelistyo, The legal system of the brand guarantees protection, that is, intangible property which is very vulnerable to scrutiny by various forms of intervention and bad faith motives inherent behind it.[19].

Therefore, trademarks requested for registration by the trademark owner may not be accepted by the trademark office. For that we need to pay attention to what was stated by Tomy Pasca Rifai, not all signs can be registered as trademarks. Only the signs that meet the requirements below can be registered as trademarks:

- a) Has a distinguishing power;
- b) Is a sign on a merchandise or service that can be a picture, name, word, letters, numbers, color arrangement or a combination of these elements;
- c) The sign is not contrary to applicable laws and regulations, gamma morality, decency, or public order, is not a public sign and does not become public property, or does not constitute information or relate to the goods or services for which registration is requested;
- d) The mark also has no similarities with other registered brands, well-known brands, or known geographical indications; and
- e) Does not constitute, resemble or duplicate other marks owned by a particular institution or country.[20]

#### IV. CONCLUSION

Trademark as a mark used in the trade of goods and services to distinguish it from similar goods and or services. The brand as a company identity reflects the quality of goods and services produced and traded by the company. To get legal protection, a trademark must be registered. The institution that manages trademark registration is the Directorate General of Intellectual Property Rights, Ministry of Law and Human Rights of the Republic of Indonesia. To register a Trademark must meet the conditions specified in Act Number 20 of 2016 concerning Trademarks and Geographical Indications.

One of the conditions that must be fulfilled by the brand that is to be registered must have a distinguishing power with the mark that is already registered. Another thing that must also be considered in registering a Trademark is that the registrant of a trademark must have it not good. The importance of good faith so that a registered mark is not sued by another party who considers there is similarity with a registered mark. When all requirements have been fulfilled, the Minister of Law and Human Rights issues a Certificate of Brand Rights. Holders of Trademark Rights have an exclusive right to a registered mark. Trademarks as intellectual property rights are qualified as intangible objects. As an intangible object, the brand as a company asset. The more quality the goods and services are produced, the higher the economic value of the brand.

#### REFERENCES

- [1] Erlina. "Aspek Yuridis Terhadap Akuisisi Merek Perusahaan". Jurnal Jurisprudentie Volume 5 Nomor 2 Desember 2018. P. 86.
- [2] K Bagus Wardianto. *Brand Equity: An Innovation Strategy Of Competitive Advantage For Small And Medium Enterprises*. P. 345.
- [3] Jacinta Winarto. "Hubungan Antara Citra Merek Dengan Ekuitas Merek." Jurnal Manajemen, Vol.10, No.2, Mei 2011.
- [4] Henry Soelistyo. *Badfaith Dalam Hukum Merek*. Jakarta: Maharsa-UPH, 2017. Cetakan Kedua. P. 5.
- [5] Agung Indriyanto dan Irnie Melda Yusnita. *Aspek Hukum Pendaftaran Merek*. Jakarta: Rajagrafindo Persada, 2017. P. 8.
- [6] Slamet Yuswanto. "Analisis Pengembangan Usaha Berbasis Kekayaan Intelektual." Jurnal Lingkar Widyaishwara (www.juliwi.com). Edisi 4 No. 4, Oktober – Desember 2017, p.8 – 24 ISSN: 2355-4118
- [7] R. Murjiyanto. "Konsep Kepemilikan Hak Atas Merek di Indonesia (Studi Pergeseran Sistem "Deklaratif" ke dalam Sistem "Konstitutif")." P. 12
- [8] Andrew Betlehn dan Prisca Oktaviani Samosir. "Upaya Perlindungan Hukum Terhadap Merek Industri UMKM Di Indonesia." Law and Justice Jurnal Vol 3, No 1 April 2018
- [9] Kementerian Perindustrian Republik Indonesia. "Industri Kecil Masih Banyak Yang Malas Daftarkan HKI".
- [10] Tri Septin MR. "Strategi Mengelola Merek". Termuat di
- [11] Sulasi Rongiyati. "Pelindungan Produk UMKM Melalui Pendaftaran Merek" Dalam Pelindungan Merek Editor: Tommy Hendra Purwaka. P. 90.
- [12] Syahriyah Semaun. "Perlindungan Hukum Terhadap Merek Perdagangan Barang Dan Jasa". Termuat di
- [13] Sufiarina. "Hak Prioritas Dan Hak Eksklusif Dalam Perlindungan HKI". Termuat dalam
- [14] Irene Svinarky; Ukas; dan Padrisan Jamba. "Efektivitas Undang-Undang Merek dan Indikasi Geografis terhadap Daftar Merek Usaha Dagang Industri Kecil dan Menengah." Jurnal Magister Hukum Udayana (Udayana Master Law Journal),

Vol. 7 No. 1 Mei 2018, 63-74. P. 65

- [15] Syahriyah Semaun. "*Perlindungan Hukum Terhadap Merek Perdagangan Barang Dan Jasa*". Termuat di
- [16] Agung Indriyanto dan Irmie Melda Yusnita.
- [17] Anik Tri Haryani dan Maria Magdalena. "*Pendayagunaan Merek Sebagai Aset Perusahaan Dalam Rangka Peningkatan Daya Saing UMKM Di Kabupaten Madiun.*" Jurnal Social Vol 15 No 2 September 2014,
- [18] Rakhmita Desmayanti. "*Tinjauan Umum Perlindungan Merek Terkenal Sebagai Daya Pembeda Menurut Prespektif Hukum Di Indonesia.*" Jurnal Cahaya Keadilan Vol 6 No 1
- [19] Henry Soelistyo, P. 6
- [20] Tomy Pasca Rifai. "*Kesiapan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis Dalam Menghadapi Masyarakat Ekonomi ASEAN*". Fiat Justitia Volume 10 October-Desember 2016, Hlm 739.