

Received : November 29, 2021  
Accepted : December 10, 2021  
Published : February 08, 2022

Conference on Community Engagement Project  
<https://journal.uib.ac.id/index.php/concept>

## Registration Mechanism Of Brand Rights On The Cv. Tribina Jasaindo (Practical Work At Cv. Tribina Jasaindo)

Indry Wulandari Irawan<sup>1</sup>, Winsherly Tan<sup>2</sup>

<sup>1,2</sup>Universitas internasional Batam

Email of correspondence: [1851030.indry@uib.edu](mailto:1851030.indry@uib.edu)

### Abstract

A brand is something that is used to get to know a product or company in commerce. Brand rights are also one of the components of intellectual property that align with copyright, patents, and other intellectual property rights. Registering a brand can avoid unfair business competition. For people who live in small towns and do not understand the rules of the brand, it is rare to register a brand even though the resulting product is conventional in wide circles. Brand registration is considered quite difficult and can only be registered in certain places, namely at the Office of the Director General of IPR Jakarta or through the DepkumHAM Kanwil in the provincial capital, therefore being one of the factors in the least number of brand registrations in Indonesia. Riau Islands Province. Related to these problems, the place used to conduct research is to carry out practical work on the CV. Tribina Jasaindo is a business entity engaged in document management services in Batam City. This research uses normative legal methods based on literature studies, then delivered through design ideas in accordance with the working title of practice and data information processing to perform designs on a series of activities. The results of this study show that the procedures for brand registration and its protection are regulated in Law No. 15 of 2001 on Brands.

**Keywords:** Registration, Procedure, Brand

### Introduction

CV. Tribina Jasaindo is a business entity engaged in the field of service providers that serve in the management of personal files and company documents such as the creation of ID cards, NPWP, Establishment of PT or CV, NIB, Business License, and other Company Special Permits. CV. Tribina Jasaindo is located at Ruko Greenland Block I No. 5 Teluk Tering, Batam City.

In this case, the CV. Tribina Jasaindo has a working time from Monday to Friday at 09.00 - 17.00 WIB. In addition, to run his business, CV. Tribina Jasaindo has an organizational structure in its own company to make it easier to undergo good company administration, where CV. Tribina Jasaindo has one commissioner, two directors, and one staff member.

In addition, the CV. Tribina Jasaindo already has several clients who take care of the documents on the CV. Tribina Jasaindo both individually and corporately. Clients of the CV. Tribina Jasaindo has different needs related to the management that clients need to be managed by CV. Tribina Jasaindo. In this case also clients of CV. Tribina Jasaindo itself is not only limited to individuals but also covers various companies that have interests with the legality of the required licensing. Intellectual Property Rights is one of the rights that are divided into 2 (two) types, namely copyright(copyright)and industrial property rights (industrial property rights). More specifically, industrial property rights are divided into several parts, namely; patents, brand rights, industrial design, integrated circuit layout design, trade secrets, and geographic indications (Aswalmi Gusmita, Lily Sudhartio 2020). Considering that IPR is divided into several parts, therefore this matter is the scope of the granting of legal rights to intellectual property. Brand is a form of intellectual work used to select a product or service made by the company to show the specialty and origin of the product. In Indonesia itself, more and more brands are being made in Indonesia. The public can dig up information about the use of a particular brand so that people can choose the products they like.<sup>1</sup> Thus, the owners of trademarks that produce products will compete with each other for the trust of the people as consumers. In the business world, brands can be used as an important factor because they can provide a competitive advantage by entering the target market for their owners.<sup>2</sup> It does not even rule out the possibility that the brand is a source of innovation for a business that will ultimately benefit the community as well as the business itself. Indonesia itself has changed and added Law No. 15 of 2001 which is a change from Law No. 14 of 1997 on Brands which explains that the function of the brand is an important part in maintaining a healthy business competition. The main purpose of a brand is to give confidence to consumers when using manufactured products. The more famous the brand, the higher the public's trust in the product.<sup>3</sup> Therefore, adequate brand regulation is needed to provide improved services to the community. Brands are often misused as hitchhiking the popularity of a product with a selected brand. Many business people who register their brands are deliberately similar to popular trademarks with the aim of attracting the attention of consumers. This can be said to be the registration of the brand in badfaith (bad faith).<sup>4</sup> Of course in the case of violations of the brand of commercial activities will not develop effectively and further worsen the impression of Indonesia as an IPR violator. In this case the brand is the work of the mind that certainly must benefit from legal protection to encourage producers to innovate and develop the

---

<sup>1</sup> Indrawati, S. (2019). Protection of Brand Law on Small Business Products in Kebumen Regency. *Amnesty Journal of Law*, 1(1), 29-35.

<sup>2</sup> Wijaya, K. Y. V., & Wairocana, I. G. N. (2018). Legal Protection Efforts Against Violations of Brand Rights. *Scientific Journal of Legal Sciences Kertha Semaya Udayana Law*, 6(3).

<sup>3</sup> Hediati, F. N. (2020). Optimization of Supervision on Receipt of Brand Registration in the Framework of Brand Protection. *Journal of Legal Voice*, 2(2), 234-257., pp. 236

<sup>4</sup> Fajar, M., Nurhayati, Y., & Ifrani, I. (2018). Bad Faith in Registration and Brand Law Enforcement Model in Indonesia. *Journal of Law Ius Quia Iustum*, 25(2), 219-236., p. 220

work of the community. As a result, trade and investment activity will increase and help the investment climate.<sup>5</sup> Brand rights are exclusive rights granted to the owner of a brand registered with the Directorate General of Intellectual Property (DJKI) of the State within a certain period of time by using his own brand or giving to other parties to use it. With the development of time, now the brand has been registered with the General Department of Trademark Registration of the General Department of Intellectual Property, which means that the registered trademark must be protected. In the protection of intellectual property rights it is also necessary to understand the interpretation of intellectual property rights themselves, namely the right to property formed from human intellectual ability.<sup>6</sup> The protection of intellectual property rights is essential for ongoing development in Indonesia. One of the reasons investors invest in Indonesia is to expect royalties over technology, namely royalties on the transfer of intellectual property rights, one of which is royalties on licenses or trademarks.<sup>7</sup> Indonesia itself recognizes the perception of "economic rights" and "moral rights". Economic rights are the right to commercial benefits from their creation, while moral rights are essential rights to creators or agents that cannot be eliminated by any proposition.<sup>8</sup> In the common law system, laying the brand (passing off) is an unfair competition act, because this action causes other parties as brand owners who have registered their brand in good faith will suffer losses with the existence of parties who cunningly because they lay down their brands to get their own commercial benefits.<sup>9</sup> Even trademarks that have been registered by the owner can still be imitated by others, especially if the brand is not registered. If there are brands that have been registered but new brands appear that have similarities or exactly the same as the brands that have been registered, sometimes the brand is officially registered with the Directorate General of Intellectual Property (DJKI) as well. If this happens then the owner of the first brand knows, then the owner of the first brand can file a lawsuit with the Director General of IPR related to the new brand has similarities with the brand. And if it can be preoccupied, the protection of the rights to the newly registered brand will expire.<sup>10</sup> Therefore, it is important for entrepreneurs with their trademarks to register with the relevant authorities to have their trademarks protected. Based on the background described above, the author is hereby interested and wants to analyze the research of scientific work in the form

---

<sup>5</sup> Fibriati, N., & Marwoto, P. (2018). Urgency of brand registration for intellectual property protection of small micro business groups. *SNKPPM*, 1(1), 78-83.

<sup>6</sup> Nugraha, S. G. (2015). *Juridical Analysis Of The Elimination Of Brand Registration Due To Brands Not Used In Trade Activities* (Doctoral dissertation, Faculty of Law Unpas)., p. 3

<sup>7</sup> Wardianto, K.B., Destalia, M., & Supriyanto, S. (2019). Effect of Capital Structure, Profitability and Investment on Brand Equity on the Indonesia Stock Exchange.

<sup>8</sup> Karompot, R. R. (2018). Analysis of trademark registration of goods class for small business actors. *Maleo Law Journal*, 2(1), 68-77.

<sup>9</sup> AD, M. R. (2016). *Analysis of the brand registration system in an effort to overcome brand equality that can result in disputes based on law no. 15 of 2001* (Doctoral dissertation, Universitas Gadjah Mada).

<sup>10</sup> Sahay, T. (2016). Iktikad Criteria Are Not Good In The Brand Registration Process. *Scientific Journal of Law and Community Dynamics*, 7(2).

of a Practical Work report entitled "Mechanism of Registration of Brand Rights on CV. Tribina Jasaindo (Practical Work at CV. Tribina Jasaindo)"

### **Method**

In the implementation of this activity, the method used is initiated by data collection techniques, namely using empirical research by generating data from the field and primary data that the author generates from the initial data on this practical work. In this implementation, the author conducts observations and interview sessions to get information through Q&A to several sources or parties who work on the CV. Tribina Jasaindo. The conduct of this interview session is conducted face-to-face online or online. As for the implementation of observations carried out by direct observation to increase data and information that will be used as objects in writing. There are several stages in the research that the author admits to complete this practical work, namely as follows: First, it starts by determining the prospect of a place to do practical work and asking for permission to carry out practical work at the partner. After getting permission from a partner, then the author can carry out practical work activities. Furthermore, the author looks for some information and problems that exist to get a theme that is in accordance with the material for the implementation of practical work on the CV. Tribina Jasaindo so that the author can find out how the registration procedure for Brand Rights. The second stage, the author conveyed the design concept in accordance with the title made based on legal knowledge about "Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 12 of 2021 on Changes to the Regulation of the Minister of Law and Human Rights Number 67 of 2016 on Brand Registration". Once approved, the author can undergo his practical work by conducting several question and answer sessions in the implementation of his daily practice work related to legal issues and also asking about the procedure for implementing the registration of Brand Rights. The third stage, in this last stage is to conduct assessment and reporting. After carrying out practical work, the author can process the data and research the data and information that has been obtained from the implementation of practical work in CV partners. Tribina Jasaindo. Furthermore, the author can design an output in the form of results from the implementation of practical work, then the output will be given to the partner and can be considered by the guidance lecturer.

### **Discussion**

The implementation of this practice work is carried out from August 23, 2021 by conducting observations and interviews of question and answer sessions with partners to find out the conflicts that are being owned by partners where partners have clients who have problems, namely trademarks that have not been registered with DJKI. Therefore, the author helps the partner to register the brand of the CV client. Tribina Jasaindo to DJKI.



**Picture 1**

*Implementation of Client's Trademark Rights Registration with Partners CV. Tribina Jasaindo*

Source: Personal Data

The implementation of this practice work is carried out from August 23, 2021 by conducting observations and interviews of question and answer sessions with partners to find out the conflicts that are being owned by partners where partners have clients who have problems, namely trademarks that have not been registered with DJKI. Therefore, the author helps the partner to register the brand of the CV client. Tribina Jasaindo to DJKI.



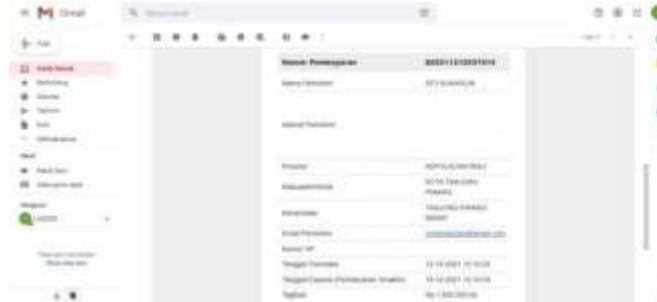
**Picture 2**

*Flowchart Flow Of Brand Rights Registration Online*

Source: Personal Data

Furthermore, after collecting various data to complete the requirements and understand how the registration procedure is carried out, the author registers the client's account for less than two days through a CV partner. Tribina Jasaindo. In the first stage, the author registers for Access Rights or registers a new account to be able to access the website <https://merek.dgip.go.id/daftar-online> where after creating a new account, the author will get an email from DGIP and direct to activate the account in order to use the Brand Rights registration website online. In the next stage, the author performs an administrative stage in the form of completing the billing code application form that starts from filling out the type of application, the type of application, and class choice. After completing the billing

code application form, the author will be sent an email in the form of an intellectual property payment warrant.



**Picture 3**

*Intellectual Property Payment Warrant*

Source: Personal Data

Furthermore, after collecting various data to complete the requirements and understand how the registration procedure is carried out, the author registers the client's account for less than two days through a CV partner, Tribina Jasaindo. In the first stage, the author registers for Access Rights or registers a new account to be able to access the website <https://merek.dgip.go.id/daftar-online> where after creating a new account, the author will get an email from DGIP and direct to activate the account in order to use the Brand Rights registration website online. In the next stage, the author performs an administrative stage in the form of completing the billing code application form that starts from filling out the type of application, the type of application, and class choice. After completing the billing code application form, the author will be sent an email in the form of an intellectual property payment warrant.



**Picture4** *Brand Application Lette*

Source: Personal Data

**Picture 5**

*Brand Application Draft*  
Source: Personal Data

Furthermore, after collecting various data to complete the requirements and understand how the registration procedure is carried out, the author registers the client's account for less than two days through a CV partner. Tribina Jasaindo. In the first stage, the author registers for Access Rights or registers a new account to be able to access the website <https://merek.dgip.go.id/daftar-online> where after creating a new account, the author will get an email from DGIP and direct to activate the account in order to use the Brand Rights registration website online.

In the next stage, the author performs an administrative stage in the form of completing the billing code application form that starts from filling out the type of application, the type of application, and class choice. After completing the billing code application form, the author will be sent an email in the form of an intellectual property payment warrant.

**Conclusion**

CV. Tribina Jasaindo is a business entity engaged in the field of service providers that serve in the management of personal files and company documents such as the creation of ID cards, NPWP, Establishment of PT or CV, NIB, Business License, and other Company Special Permits. CV. Tribina Jasaindo is located in Ruko Greenland, Tering Bay, Batam City. In data collection, the author

uses empirical research using data in the field as well as observation or primary data, which is a data collection technique used by the author as preliminary data for the implementation of this practical work. In addition, in the implementation stage there are several stages of research that are acknowledged by the author, namely the preparatory stage, the implementation stage, as well as the assessment stage and reporting stage. External results from this study are in the form of brand application letters and draft card brand applications issued by DJKI. In carrying out this practical work, the author gets the impact that occurs after the implementation of the implementation of this prakrek work project for clients of the CV. Tribina Jasaindo in the form of the issuance of a brand application letter and a draft of the brand application that has been registered with DJKI will then be processed by DJKI.

### **Bibliography**

- Hediati, F. N. (2020). Optimization of Supervision on Registration Acceptance Brands in the Framework of Brand Protection. *Journal of Legal Voice*, 2(2), 234-257., pp. 236
- Fajar, M., Nurhayati, Y., & Ifrani, I. (2018). Bad faith in Registration and Model of Brand Law Enforcement in Indonesia. *Journal of Law Ius Quia Iustum*, 25(2), 219-236., p. 220
- Nugraha, S. G. (2015). *Juridical analysis of deletion Brand registration due to the brand is not used in trade activities* (Doctoral dissertation, Faculty of Law Unpas), p.
- Karompot, R. R. (2018). Analysis of Trademark Registration of Goods Class for Small Business Actors. *Maleo Law Journal*, 2(1), 68-77.
- AD, M. R. (2016). *Analysis of Brand Registration System in An Effort to Overcome Brand Equality That Can Cause Disputes Based on Law No. 15 of 2001* (Doctoral dissertation, Universitas Gadjah Mada).
- Fibriati, N., & Marwoto, P. (2018). Urgency of Brand Registration for Intellectual Property Protection of Small Micro Enterprise Groups. *SNKPPM*, 1(1), 78-83.
- Wijaya, K. Y. V., & Wairocana, I. G. N. (2018). Legal Protection Efforts Against Violations of Brand Rights. *Scientific Journal of Legal Sciences Kertha Semaya Udayana Law*, 6(3).
- AD, M. R. (2016). *Analysis of the brand registration system in an effort to overcome brand equality that can result in disputes based on law no. 15 of 2001* (Doctoral dissertation, Universitas Gadjah Mada).
- Indrawati, S. (2019). Protection of Brand Law on Small Business Products in Kebumen Regency. *Amnesty Journal of Law*, 1(1), 29-35.
- Wardianto, K.B., Destalia, M., & Supriyanto, S. (2019). Structural Influence Capital, Profitability and Investment in Brand Equity on the Indonesia Stock Exchange.
- Aswalmi Gusmita, Lily Sudhartio (2020). The Impact Of Strategic Decision Making Approach To The Public Service Performance With The Role Of Organizational Agility: A. *European Journal of Molecular & Clinical Medicine* 7 (01), 2020