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## ACCOMPANIENT FOR BAKBAK TRADEMARK REGISTRATION AS INTELLECTUAL PROTECTION

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### Abstract

Companies in the world have had various kinds of signs with their own characteristics. The sign intended to distinguish these products is referred to as a brand. Brands can also be used to provide prevention against unfair business competition. The problem that occurs in current field practice is the low level of awareness of the importance of trademark registration. So the activity of Community Service (PKM) from the author is BakBak which is an MSME that follows the current culinary trends with unique rice bowls that use processed pork, so because there is BakBak's own uniqueness, it is necessary to register its brand in order to have legal certainty and be legally protected.

**Keywords:** *Registration Accompanient, Trademark, Protection*

### Introduction

The industrial revolution 4.0 has led humans to a civilization that is heavily influenced by technology and information. Through the knowledge they have, humans can produce various kinds of works in order to maintain their survival. It is not surprising that nowadays every person and every country is competing to produce great works. This is nothing but aimed at gaining recognition and respect from other countries. The increasingly competitive competition between countries in the world causes the trade industry to develop so rapidly. Thus, the resulting products are very abundant in the market. To make a difference between the products circulating in the market, companies in the world have had various kinds of signs with their own characteristics. The sign intended to distinguish these products is referred to as a brand. Brands can also be used to provide prevention against unfair business competition. In simple terms, a brand can be interpreted as a sign that makes a difference between products or services produced between one producer and another. The sign can be three-dimensional or two-dimensional. Brands are displayed in the form of graphic designs that have different characteristics and colors. Each manufacturer or company has its own characteristics in forming the brand they want. Thus, everyone, especially those involved in the trading industry, are given the freedom to introduce their own brands. This is intended so that the brand is increasingly recognized by the wider community. Given, nowadays people have their own interest in certain brands. Because the presence of a brand will make it easier for consumers to judge the

quality of a product. Brands that are widely known by the public will certainly generate large profits. In the reality that is happening now, there are many cases of piracy or plagiarism against intellectual works that cause harm to the creator. So it can be concluded that the importance of registering a trademark awareness is to obtain legal protection. And prevent plagiarism from other parties. As for the legal instruments in Indonesia that regulate trademarks, namely Law No. 20 of 2016 concerning Marks and Geographical Indications (hereinafter abbreviated as Law on Trademarks and IG & IG). The problem that occurs in current field practice is the low level of awareness of the importance of trademark registration. One of the MSMEs that will open in Batam City is BakBak. BakBak is an MSME that follows current culinary trends with unique rice bowls that use processed pork, so because BakBak has its own uniqueness, it is necessary to register its brand in order to have legal certainty and be legally protected.

### Methods

The implementation of this Community Service is carried out by collecting primary and secondary data. Primary data is carried out through observation, namely observing partners who have not registered a trademark, one of which is MSME BakBak, then in identifying legal problems that are being faced by BakBak partners, the data needed is obtained through secondary data, namely through library research through laws and regulations, legal journals. which has relevance to this Community Service program. All of these activities are carried out from August to October 2021. The implementation is divided into several stages, including: **First.** Stages of Preparation / Pre-Implementation. In this stage the authors collect primary and secondary data. Primary data is carried out through observation, namely observing partners who have not registered a trademark, one of which is MSME BakBak, then in identifying legal problems that are being faced by BakBak partners, the data needed is obtained through secondary data, namely through library research through laws and regulations, legal journals. which has relevance to this Community Service program. **Second.** Implementation Stage. This stage is the stage where the author will discuss and provide information to BakBak Partners after that explains the procedure for submitting an online trademark registration, the conditions that must be met and the costs required to register. In addition, it also assists Community Service partners in the process of registering their trademarks in the form of recommending appropriate class clarifications and other related requirements based on the Trademark Law & Geographical Indications. Required data required include Etiquette/brand label, applicant's signature and UMK Certificate (if the applicant is a micro or small business). **Third.** Evaluation Stage. After explaining the importance of registration and trademark registration procedures. Then this activity will be made in the form of community service reports and articles. Project methods are the procedures, strategies, project location, schedule and plan of implementation, budgeting.

## **Result and Discussion**

### **Importance of Trademark Registration for Business Owners**

Basically, brand rights are rights that are granted exclusively. Therefore, trademark rights are still included in material rights that can be transferred to other people. Proof of ownership of the mark is evidenced by a certificate of trademark rights. To obtain it, the party making the mark must register it with the Directorate General of Intellectual Property of Indonesia. The registration of the mark is intended to obtain legal certainty. As a country that tends to adopt a civil law legal system, evidence on paper is very important. Given, the potential for disputes between the parties to a brand ownership is still quite large. Recognition of a mark by the Directorate General of Intellectual Property is given to the party registering the mark for the first time. In other words, Indonesia adopted a system known as first to file. Today, the brand has become a very important asset for manufacturers or companies. The good or bad reputation of the company today depends on the brand built by the company. Therefore, to build a brand to be known by the public is not easy. The enormous costs and time are not a few sacrifices that must be given voluntarily by business people to build a good brand image and be known to the public. Then, there are basic principles that the public must understand if they want to register their trademark with the Director General of IP. To obtain a trademark right, the applicant must have good faith. This means that the mark to be registered is purely a trademark made by himself. It has no ulterior motive for duplicating pre-existing brands. Based on the Law on Trademarks & Geographical Indications, the use of a Mark is defined as one of the absolute requirements to be granted Mark protection. no less important to know is the period of time given by the law to mark holders. Based on the law, the protection of trademark rights is given for 10 (ten years). Furthermore, if the mark has existed for almost 10 years, it can be extended with the same protection period. The legislators have their own reasons that cause the protection of trademark rights to be shorter than that of copyright which can reach 70 (seventy) years. The reason is that the legislators want the existing brand to continue to be used in the production and distribution of goods and services. So, the logical consequence is that the law will not protect the brands that have never been used.

Based on the law, it can be seen that dispute resolution in trademark rights is resolved through a commercial court, alternative dispute resolution, and arbitration. Alternative dispute resolution is a path that can be taken by the parties in a peaceful manner. Then, the parties can also resolve their dispute through arbitration. However, for settlement through this route, it must be based on an agreement. Settlement by arbitration is subject to Law no. 30 of 1999. If the party who feels aggrieved wants to settle his dispute through litigation, then he must file a lawsuit to the commercial court. The terms and procedures for filing a lawsuit have been regulated by law. Meanwhile, if the defendant feels that the decision from the commercial court has not fulfilled his sense of justice, he can file an appeal to the Supreme Court. Because, the law has emphasized that legal remedies against the decision of the Commercial Court can be made by filing an appeal.

### **Implementation of Accompaniment in the Registration of BakBak Marks as an Intellectual Property Protection Effort**

BakBak is a new MSME that will be present in Batam with its address at Jalan Teratai shophouse block 2 no. 13 by providing food in the form of rice bowls with the main processed being pork using spices. The goal of the partners themselves in making this food business is to give color to Batam culinary at affordable, unique, and hygienic prices. The founder and owner of the BakBak MSME is Mr. William Chrisnata, who previously successfully opened three branches of Ayam Geprek Jogja in Batam and one in Medan. The implementation of this Community Service activity begins with observing and asking for approval from BakBak Business owners to register their Marks because of the importance of such registration.



Picture 1.

*Photo with BakBak Business Owner*

The registration accompaniment process begins with studying and gathering the Formal and Material requirements for registering a Brand account and then ordering a billing code on the SIMPAKI website and paying a fee of IDR 1,800,000 (One Million Eight Hundred Thousand Rupiah)



Picture 2

*Display to register Brand account*



Picture 3.

*Page Display File Description Payment Billing Code*

After activating the Brand account and paying the trademark registration fee according to the bill, then continuing the registration process by filling out 8 stages including: General, Application, Authorization, Priority, Brand, Class, Attachment, and Resume stages according to the applicant's data. After completing the filling, the registration has been completed, the BakBak Mark is successfully registered and the Partner gets a Receipt and Statement Letter

APPLICATION FORM OF INDOONESIAN TRADEMARK REGISTRATION

Data Permohonan (Application)			
Nomor Transaksi	: IPT2021161095	Asal Permohonan	: Online Filing
Number of Transaction		Office of Origin	
Nomor Permohonan	: JD2021080616	Tipe Permohonan	: Merek Jasa
Number of Application		Type of Application	
Tanggal Penerimaan	: 2021-11-19 15:11:52	Jenis Permohonan	: Umum
Receipt Date		Sub Type of Application	
Data Merek (Description of Mark)			
Tipe Merek	: Merek Kata dan Lukisan	Etiket Gambar/Label Merek	
Type of Mark		Image of Mark	
Nama Merek	: BakBak		
Name of Mark			
Deskripsi	: dua sila bulat dalam lingkaran oval menyerupai hidung hewan babi dan tanda strip penghubung kata BakBak		
Description			

Picture 4.

*Display of the BakBak Mark Registration Application Form*

With the legal registration of the BakBak Mark, BakBak has legal certainty and protection

**Conclusions**

BakBak is an UMKM that follows the current culinary trend, namely rice bowls with unique uses that use processed pork, so because there is a uniqueness of BakBak itself, it is necessary to register its brand in order to have legal certainty and be legally protected. Evidence of the success achieved in assisting the registration of the BakBak Mark which is registered online at <https://pdki-indonesia.dgip.go.id> in the form of an acceptance form for the BakBak Mark. The registration of the mark is intended to obtain legal certainty and not be misused by other parties. Through this community service activity, brand ownership can be

maintained for a period of time by extending its protection when the time period has come.

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### **Peraturan Perundang- Undangan**

Undang-Undang Republik Indonesia Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis