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ACCOMPANIENT IN SERVICE MARK REGISTRATION AS LEGAL AID TO SURYA JAYA MOTOR WORKSHOP

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Abstract

In the industrial era 4.0, it is a situation where all technology is very sophisticated, and will still develop every time. Advances in technology are not only a matter of transportation but have an impact on all sectors of human life. Especially for business, business competition is increasing so that many businesses have sprung up. Having a business without a physical store is not impossible. Businesses can be started through their own homes using an online platform, all people can sell. Not only quality as an attraction to consumers or buyers, but service is also important considering the increasingly fierce business competition. Therefore, an identity for business ownership is needed, namely in the form of a brand.

Keywords :Protection, Registration, Service Mark

Introduction

In the last decade, it is undeniable that technological developments have brought the development of human civilization. Technology is something that is very much needed in this day and age. It is impossible for humans to not know technology in the digital era. The rapid development of technology greatly affects the daily life of humans. This helps a lot in people's lives. Technological developments are always evolving every time, every country releases the latest innovations. In the industrial era 4.0, it is a situation where all technology is very sophisticated like a startup company, and will still develop every time. Advances in technology are not only a matter of transportation but have an impact on all sectors of human life. Especially for business, business competition is increasing so that many businesses have sprung up. Having a business without a physical store is not impossible. Businesses can be started through their own homes using an online platform, all people can sell. Not only quality as an attraction to consumers or buyers, but service is also important considering the increasingly fierce business competition. Therefore, an identity for business ownership is needed. A brand is an identity for a product or service mark. Every company tries to provide the best, therefore the brand is important as an identifier of products or services to customers. The brand itself is not only in the form of a logo or illustration, but what is no less important is the giving of color to the logo. Therefore, the brand is a differentiator between a product or service with other competitors. Not only as a differentiator, the brand is also a product identity as an

image on the product. Brand piracy often occurs considering the very tight business competition. The infringement of trademark rights is carried out by irresponsible parties with the aim of taking the exclusive rights of the brand owner. Brand protection becomes important if the brand is claimed by parties who do not have the authority. Because it can damage the image of the brand. So it is necessary to protect the brand to avoid piracy of the brand or the identity of the business owner. Brand protection is regulated in "Law No. 20 of 2016 concerning Brands and Geographical Indications." Furthermore, it will be shortened to the IG Trademark Law. Trademarks are very valuable to their owners, to get trademark protection rights. "Surya Jaya Motor" partners have not registered their trademark, this could potentially be misused by unauthorized parties. Of course this is an important issue considering that the brand in a trade serves to find out where the service or object comes from and the quality and quality of the product or service provided. The partners also do not know about the importance of registering trademark rights. Therefore, the author provides assistance in the form of accompaniment to partners "Surya Jaya Motor" to register trademark rights with DJKI, so that partners get guarantees for trademark rights and legal protection for the mark.

Methods

Project methods are the procedures, strategies, project location, schedule and plan of implementation, budgeting. **First** At this stage the authors make observations by collecting primary data and secondary data. This stage is carried out by identifying partners who have not registered trademark rights which are viewed through the DJKI Website. After getting a partner who has not registered a trademark, the author makes observations with interviews to find out whether the "Surya Jaya Motor" partner knows about the importance of trademark registration and the risks of not registering trademark rights. After that, provide identification of problems that might occur by conveying them to partners. In the process of identifying problems that will arise, the authors use several sources such as legal materials and journals and legislation to support this community service activity.

Second At the implementation stage, the author provides information in the form of steps towards the trademark registration procedure. before entering the procedural stage. The author checks the brand similarity with partners. After finding no resemblance. The next stage is to check the procedure in the form of collecting the necessary data and documents. As well as determining the class of partners on trademark registration. and fees required for trademark registration from partners. After that, provide information on the trademark rights registration path, the trademark rights registration path can be done through Micro, Small and Medium Enterprises (MSMEs) and the GENERAL path. MSME registration requires a letter of recommendation or a statement stating that the company is an MSME. While the general route does not require a letter of recommendation for MSMEs. **Third** After successfully registering partner brands, the next step is to compile reports and writing community service programs in the form of articles.

Result and Discussion

Trademark Registration as Legal Protection

Through the Law on Trademarks & Geographical Indications, it is possible to assess the awareness of the Government of Indonesia towards international conventions which have explicitly regulated the protection of trademark rights for the international community. In addition, the Law on Trademarks & Geographical Indications is also a legal instrument that is expected to provide services to the Indonesian people in the field of trademarks. The Law on Trademarks & Geographical Indications has also provided a juridical definition of what a brand is. A brand is not materially tangible, it is only attached to a product that is sold in the market. However, the brand becomes very important because when consumers use a product, it is the brand that is judged. A consumer will certainly feel satisfied with a particular brand if the goods or products purchased are of the desired quality. Trademarks do not necessarily provide information about the composition or characteristics of a product. However, consumers can obtain information about the quality of a product based on their own experiences or the experiences of others. Thus, trademarks can protect the public interest because they allow consumers to identify brands that they respect and think are safe. Therefore, consumers will be able to identify the product they want without having to differentiate between products or trying to determine which product identifies and meets their needs and preferences. Consumer protection under trademark law protects consumers from disinformation by minimizing the risk of being misled. Based on the definition of a mark in Article 3 of the Law on Marks, a mark is an exclusive right granted by the state to the owner of a registered mark. So it can be concluded that the right to the mark is created because of registration and not because first use. This ensures greater legal certainty. The term of Mark protection has a validity period of ten years from the date of receipt and can be extended again for a longer period of time. The process of brand renewal can be carried out directly by the brand owner or his proxies, either electronically or non-electronically.

Accompanient in the Implementation of Online Service Mark Registration for the Surya Jaya Motor Workshop

Mitra Surya Jaya Motor is a business engaged in the automotive sector. Surya Jaya Motor itself has two branches which are domiciled in the Nagoya Garden Block E No. 12 complex, Batam City, Riau Islands and Ruko Cipta Gardan Permai No. 9, Tanjung Sengkuang, Batam City, Riau Islands. Surya Jaya Motor Workshop has been established since 2000. The workshop provides motorcycle repair services in the form of service to serious problems with motorbikes, and sells retail spare parts. In running the Surya Jaya Motor workshop, a total of 8 mechanics are mechanics. With Mr. Mark as the owner of the workshop business. The implementation of this community service activity starts from 10 August 2021 to 10 October 2021 (for three months). This activity begins with making observations first and Partners are willing to be assisted in the Mark registration process.



Figure 1. Photo with the owner of the Surya Jaya Motor Workshop

After studying the conditions that must be met in online Mark registration, the Partner collects the formal and material requirements and registers a Brand account first and orders a payment request on the SIMPAKI website for Rp. 1,800,000 (One million eight hundred thousand rupiah).

DIREKTORAT JENDERAL KEKAYAAN INTELEKTUAL
SURAT PERINTAH PEMBAYARAN
MEREK DAN INDIKASI GEOGRAFIS
Permohonan Pendaftaran Merek yang diajukan oleh:
Umum
Secara Elektronik (online)

NOMOR PEMBAYARAN	:	
NAMA PEMOHON	:	
ALAMAT PEMOHON	:	K.
PROVINSI	:	KEPULAUAN RIAU
KABUPATEN/KOTA	:	KOTA BATAM
KECAMATAN	:	BATU AMPAR
EMAIL PEMOHON	:	
NOMOR HP	:	
TANGGAL TRANSAKSI	:	12-11-2021 14:20:49
TANGGAL EXPIRED (PEMBAYARAN TERAKHIR)	:	19-11-2021 14:20:49
TAGIHAN	:	Rp.1.800.000,00
STATUS	:	Belum Bayar

Figure 2. Display of Billing Code Payment Information Page

After paying the registration fee, you can carry out the registration stage by filling in according to the applicant's data, class and category of Marks that have met the requirements in accordance with the Trademark Law & GI. After completing the assistance for the registration of the Surya Jaya Motor Service Mark, they already have Legal Protection and Certainty.

FORMULIR PERMOHONAN PENDAFTARAN MEREK INDONESIA
APPLICATION FORM OF INDOENSIAN TRADEMARK REGISTRATION

Data Pemohonan (Applicant)	
Nomor Transaksi : 87121142009 Nomor Pendaftaran : 803011076532 Nomor Aplikasi : Tanggal Pendaftaran : 2021-11-13 15:07:40 Nomor Merek : Tanggal Pendaftaran : 2021-11-13 15:07:40	Asal Pendaftaran : Online Filing Tipe Pendaftaran : Merek Jasa Jenis Pendaftaran : Umum
Data Merek (Description of Mark)	
Tipe Merek : Merek Kata dan Lukisan Nama Merek : Surya Jaya Motor Deskripsi : Deskripsi : Warna : Merah dan biru Transliterasi/Transkripsi : Transliterasi/Transkripsi : Disclaimers : Disclaimers :	Elemen Gambar/Label Merek : 
Data Pemohon (Applicant)	

Figure 3. Display of proof of receipt of registration of Surya Jaya Motor's service mark

Conclusion

Surya Jaya Motor is a business engaged in the automotive sector. Surya Jaya Motor itself has two branches which are domiciled in the Nagoya Garden Block E No. 12 complex, Batam City, Riau Islands and Ruko Cipta Garden Permai No. 9, Tanjung Sengkuang, Batam City, Riau Islands. The workshop provides motorbike repair services in the form of service to severe problems on motorbikes, and sells retail spare parts. Because the Surya Jaya Motor workshop already has two branches, it is therefore increasingly important and functional to register the service mark in order to get legal protection. After this community service mentoring activity, brand ownership can be maintained by extending its protection after the period ends.

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Laws and regulations

Law of the Republic of Indonesia Number 20 of 2016 concerning Marks and Geographical Indications