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The Importance Of Registration Of The Shipowner Apparel Trademark At The Directorate General Of Intellectual Property

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Abstract

There are so many new brands or products that are popping up at this time. However, with so many new brands and products, it is possible that there will be a dispute, one of which is plagiarism against a particular brand. Therefore, it is very important to maintain the rights to the mark by registering the mark with the Directorate General of Intellectual Property. Registration of a mark aims to ensure that the mark gets legal protection from the state. Shipowner Apparel is one of the businesses engaged in the fashion sector. However, the trademark has not been registered because the business owner is still unfamiliar with the trademark rights. So in this case the aim is to register to avoid disputes related to trademarks that may occur in the future. Community Service (PkM) is carried out with 3 stages of implementation methods, namely pre-implementation, implementation stage and evaluation stage. The result of the implementation of this community service is in the form of education regarding the importance of intellectual property protection, as well as a receipt for an online application for registration of the Shipowner Apparel trademark

Keywords: *Intellectual Property Rights, Trademark Protection, Trademark Registration*

Introduction

The emergence of new products or brands in the business world does not always have a good impact. The number of new brands or products does not rule out the possibility that there will be a dispute, one of which is plagiarism against a certain brand. The more famous a brand, the more it adds to the quality and prestige of the product/service issued by a manufacturer, because most of the consumers buy an item just by looking at the existence of the brand of the item in the community (Putra, 2019). It is necessary to know how important the originality of a product is so that the public or product owners are not harmed. If the brand has similarities in principle or in general with other brands, then the brand has misled the public as consumers (Disemadi, 2020). One of the efforts in holding the rights and maintaining the products or brands owned is by registering them with the Directorate General of Intellectual Property (hereinafter called DJKI).

Basically, legal protection can be carried out on creative industry products, including book copyrights, merchandising rights, photography, computer programming, music and song copyrights, as well as trade secrets, trademarks and patents (Suwarni, 2021). Protection of brands in this modern era and full of business competition is very necessary because a brand is a sign given by producers to the goods and/or services they produce as something that can differentiate them from other similar products (Wilopo, 2007). The mark of an item needs to be protected because the mark contains intellectual property rights that can bring economic benefits to the owner of the brand rights (Mamahit, 2013). A mark is an identifier of the origin of goods and services and at the same time has the function of connecting the goods and services concerned with the producer (Masnun, 2019). Regarding the protection of trademarks, it has been regulated in Law Number 20 of 2016 concerning Marks and Geographical Indications (Mark and Geographical Indications Law). Starting from the rights that are protected, then the actions that are prohibited, as well as legal remedies that must be taken have all been regulated in that Act. This brand arrangement is to provide effective protection to prevent any infringement, such as plagiarism, use of the same brand name, profiteering, or domain name of a brand (Sanjaya, 2018). The Law on Trademarks and Geographical Indications sets the goal to ensure the continuity and increase in trade in branded goods and services by promoting the brand to the general public so that it can be enjoyed because a mark is a masterpiece by the human mind which is poured into the form of immaterial objects (Hidayati, 2011). There are two kinds of legal protection, namely preventive and repressive legal protection. Preventive legal protection serves to prevent or anticipate the occurrence of trademark abuse by other parties. One of the preventive brand protections is by registering a trademark to the DJKI. Next is repressive legal protection which aims to resolve disputes if there has been a dispute over the trademark. Therefore, it is very important for the public, especially those who have trademarks, to understand the importance of registering an intellectual property right in order to maintain the rights that should be obtained.

Shipowner Apparel is a new brand that is starting its business in the fashion sector. However, in this case the partners have not registered their trademarks because the business owners are still unfamiliar with the importance of trademark rights. So that in this case the aim is to register the partner's trademark to DJKI to avoid disputes related to trademarks that may occur in the future.



Picture 1.Partner Brand
Source: Shipowner Apparel Instagram

Methods

The method used in this PkM implementation is the advocacy method. The advocacy method aims to provide assistance to partner trademark registration online through the DJKI website. The primary data sources were obtained through direct observation and interviews with partners and secondary data came from literature studies. The implementation of activities is carried out through 3 stages, including; pre-implementation stage, implementation stage and evaluation stage. The pre-implementation stage is conducting observations and interviews with partners regarding legal problems that are being experienced by partners. The second stage is the implementation stage, which is to collect the required partner documents as a condition for trademark registration and register the trademark to the DJKI website online. The last stage is the evaluation stage, which is to provide proof or receipt of trademark registration to partners and ask partners for opinions regarding the procedures or trademark registration flows that have been passed by partners. This PkM activity was carried out for 4 (four) months, starting from September 2021 until December 2021.

Result and Discussion

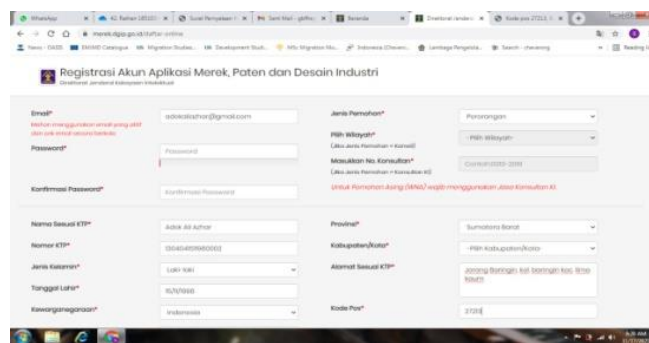
Importance of Registration of a Trademark/Service

A brand is something (image or name) that can be used to identify a product or service that is on the market and through a brand, people as consumers will easily recognize a particular company's product (Herviandi, 2017). Each brand has its own characteristics so that people can distinguish between one brand and another. Apart from being a differentiator, a brand is very important for business/service owners, because a brand is a part of intellectual property in which the rights to the mark can be registered. Registration of a brand is very important in order to maintain the originality of a product. If there are two similar marks by different parties, it will cause a dispute, each party will definitely claim that the mark belongs to him, therefore the registration of the mark is carried out in order to avoid these things. When a brand has been registered with the DJKI, if there are other marks that are the same or follow the name or image of the registered mark, legal action can be taken. Basically, a brand that is registered with the DJKI first is the one that is recognized as the original brand. The function of trademark registration is as evidence for the owner who has the right to the registered mark (Stiti, 2019). The trademark registration process is also very easy, even now trademark registration can be done online at the DJKI website. Only by completing the documents and paying the administrative fees, the trademark registration can be done. Although going through a review process that takes a long time, the effort to register the mark is a preventive effort for the brand owner in maintaining the rights to his brand so as to avoid problems in the future.

Shipowner Apparel Trademark Registration.

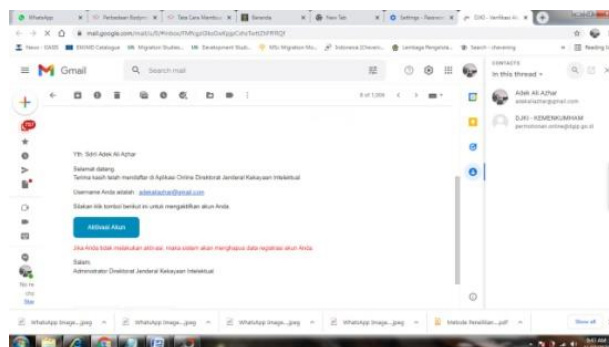
Shipowner Apparel is one of the new trademarks that started its business in the fashion sector. However, the trademark has not been registered with the DJKI. because the brand owner doesn't know or is still unfamiliar with what intellectual property is and what rights to trademarks are. Therefore, based on this,

it is necessary to provide assistance in registering the Shipowner Apparel mark to the DJKI. This PkM activity is carried out for approximately 4 (four) months starting from September 2021 to December 2021. At the pre-implementation stage, the first agenda is observation and interviews with partners which will be conducted in early September 2021. Interviews and observations were conducted in order to find partners' legal problems and obtain information about what partners were complaining about. After getting approval from partners, then proceed with designing solutions to solve partner problems. Before registering a trademark, it is necessary to collect data and documents from partners that are needed to fulfill the requirements for online trademark registration, such as partner ID cards, partner signatures, and partner trademark logos. The implementation stage is carried out in early October 2021, starting with creating a partner brand registration account first on the dgip.go.id website.



Picture 2. Partner Account Registration Page on DJKI Website

Account registration is done by filling in the partner's identity completely and correctly. After registering, the partner account can be activated immediately after receiving an account activation message via the linked email.



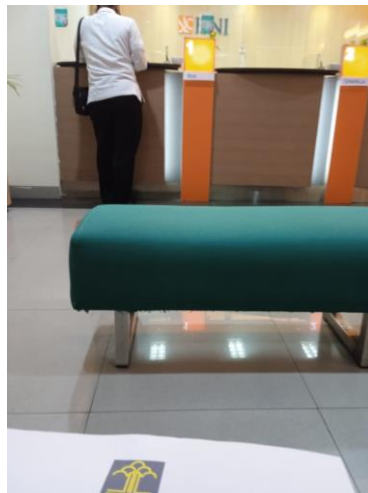
Picture 2. Partner Account Activation Message

After the partner account is registered, the partner orders a billing code on the simpaki.dgip.go.id website. This billing code is used to make payments for partner brand registration via a payment order which can be downloaded on the website above.



Picture 3.Payment Letter

Payment is made in accordance with the nominal stated in the payment order and paid directly at the destination bank. For trademark registration, the nominal or trademark registration fee is divided into 2 (two), namely for businesses or businesses that are included in micro, small and medium enterprises (UMKM) and the general public. For UMKM, the registration fee is IDR 500,000 per type, while for the public it is IDR 1,800,000 per type. Since the Shipowner Apparel is not an UMKM, registration is included in the general category.

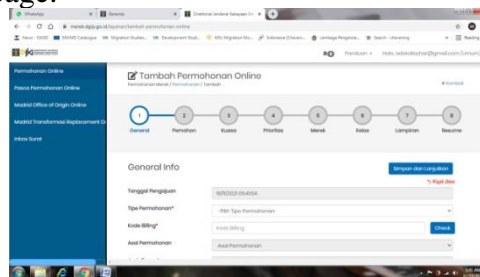


Picture 4.Documentation by Partners at BNI Bank.



Picture 5. Documentation with Partners

After paying the administrative fee, the online trademark registration can be done. The trademark registration stage is carried out in early November 2021. Through the DJKI website, partners register their trademarks by following the steps listed on the DJKI website page.



Picture 6. Trademark Registration Page on DJKI Website.

There are 8 (eight) steps that must be followed in registering a trademark on the DJKI website. Upon successful registration, partners receive proof or receipt of trademark registration which is automatically printed on the DJKI website and can be downloaded directly.

FORMULIR PERMOHONAN PENDAFTARAN MEREK INDONESIA
APPLICATION FORM OF INDONESIAN TRADEMARK REGISTRATION

Data Permohonan (Application)	
Nomor Transaksi : IPT201146107	Asal Permohonan : Online Filing
Jumlah Permohonan : 0000288043	Office of Origin : Merek Dagang
Number of Application : 0000288043	Type of Application : Merek Dagang
Tanggal Permohonan : 2021-11-18 06:55:38	Sub-Permohonan : Umum
Received Date :	Sub-Type of Application :
Data Merek (Description of Mark)	
Type Merek : Merek Kata	Eksklusif Gambar/Label Merek
Class of Mark : Shipowner Apparel	Image of Mark
Name Merek : Shipowner Apparel	
Description : Chat	
Name : Raining, Warm	
Color : Shipowner Apparel + Warna Lain Perizinan	
Perizinan Trademark : Shipowner Apparel + Warna Lain Perizinan	
Transformasi/Perizinan Trademark :	
Disclaimer :	
Data Pemohon (Applicant)	

Picture 7. Trademark Registration Receipt

The last stage is the evaluation stage, which directly provides a trademark registration receipt to partners, and makes presentations to partners regarding the importance of trademark/service registration for a business or business. According to partners, the advantages of online trademark registration are that it is an easy process and very clear procedure. However, the drawback is that the process of waiting for results or receiving a certificate of rights to the mark takes quite a long time.



Picture 8. Presentation To Partners

Conclusions

Trademark registration is basically very important because it is a preventive measure in maintaining trademark rights which are a part of intellectual property. A brand is a self-identity for business owners for their products, because the brand is a differentiator from other products and guarantees the originality of the brand itself. Partner problems have also been solved by registering partner trademarks to DJKI. Based on the registration process that has been carried out, the partner feels that he has taken a step in maintaining the rights to his trademark, and Through the presentations given, partners also become more aware of the importance of trademark registration and understand the procedures for online trademark registration, and can register independently in the future.

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