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Assisting Lyn'z Health & Beauty Care For Trademark Registration As An Effort To Provide Intellectual Property Rights

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Abstract

Law Number 20 of 2016 concerning Marks and Geographical Indications in Article 1 Paragraph 1 explains that a mark is a sign that can be displayed graphically in the form of images, logos, names, words, letters, numbers, color arrangements, in 2 (two) dimensions. , sound, hologram, or a combination of two or more of these elements to distinguish goods and/or services produced by persons or legal entities in the activities of trading goods and/or Services. Lyn'z Health & Beauty Care is a business engaged in health and beauty services. The reason for the owner of the brand is not registering the "Lyn'z Health & Beauty Care" Brand yet is because the owner of brand is unfamiliar with the trademark registration procedure, which is can conducted online via the DJKI website. Therefore, to do proper mark registration, it is necessary to provide assistance. The purpose of this community service is to register the MSME brand. There are 3 stages that used for implementation method., First stage is to identify problems owned by partner , The second stage is to have a preparation for solving partner problem and the And the third stage is implementation . The result of this community service is the registration of the Lyn'z Health & Beauty Care MSME brand, as proven by the receipt of an online application for the Lyn'z Health & Beauty Care Mark registration.

Keywords: *MarkRights Protection, Intellectual Property Rights, Rights Assistance*

Introduction

A brand for a manufacturer is a symbol that distinguishes the products or services they produce from other manufacturers' brands. For the producers themselves they can also be said to be an attraction for consumers who buy or use the services provided by the manufacturer to these consumers (Nur, 2011). When a product is promoted to the public, the manufacturer will give a sign to the goods and / or services it produces as something that can distinguish from other products,,this sign is what is meant by brand (Nurrachmad, 2011). Intellectual Property Rights is a term that we often hear in our daily lives where the term itself in Indonesia has been changed to "Intellectual Property" (Dharmawan, 2017). One type of intellectual property that we often encounter is the brand. Brands are also used in the world of advertising and marketing because the public often associates

an image, quality and reputation of brand goods and services with a particular brand. Brands in Indonesia have been regulated in Law No. 20 of 2016 on Brands and Geographical Indications. In addition, from this brand consumers can see and assess whether the product is original or unoriginal which aims so that consumers are not deceived by fake products or products that have never been used before. (Arifin&Iqbal, 2020; Wijaya&Wairocana, 2018).The Application for a Brand can be accepted if the registration of the brand has met the requirements specified by the Brand Law which is primarily the existence of differentiating power (Faradz, 2008). Therefore, many of the manufacturers who make legal efforts to register their brands with DJKI or the Directorate General of Intellectual Property so that the brand is protected and aim that the owner of the brand is given the right to brand by the state and the brand is protected by the state.

Brand can be interpreted as an identifier that can distinguish between own property or belonging to others which means a product that distinguishes between goods or services that distinguish between goods or services that are protected (Haryono, 1990). The concept of legal protection against the brand refers to the nature of brand rights that are *exclusive*. The right is monopoly which means that it can only be exercised by the owner of the brand and without the permission of the brand owner, others should not exercise the special right. If any other party uses such special rights without the permission of the brand owner, then there has been a violation that can be subject to certain sanctions (Agung, 2011).

Seeing the number of elderly people who get declining health which can affect the quality of life with the increase in diseases they get decreased body function and the occurrence of major risks in body balance. Not only the elderly but at Lyn'z Health & Beauty Care provides beauty services in the form of face bone resetting facial, face acupuncture facial, beheading the nose, removing panda eyes, and mimicking the face that can beautify women.

As we know, opening a business in the form of MSMEs that have a brand or logo can help this business run in order to have greater appeal to the community. If you want the Brand Rights to get protection and recognition from the State, then the brand owner must register it with DJKI where if the brand is not registered then the brand will not be protected by DJKI and if a Brand is not registered, the brand can be used by any person or person who is not responsible without any legal claim or legal sanction that is binding for everyone who uses the brand (Jisia, 2013).

Although brand registration is included in the things that must be done by manufacturers to maintain their brand, but there are still many manufacturers or entrepreneurs who still do not understand how to register a brand and of course it results in brands that are not registered in DJKI. One example itself is pkm activity partners who havenot listedtheir brands on the DJKI website and partners who do not understand and do not understand in the brand registration procedure on the DJKI website where itis mentioned by partners in the interview process that has been done. That's because this is the case.



Picture 1
Unregistered Partner Brands

Methods

The method used in the implementation of PkM is an advocacy method which is a method of implementation in the form of partner assistance activities in solving legal problems that are being experienced. Mentoring activities here in the form of partner-owned brand registration assistance activities where previous partners have still never done brand registration on the DJKI website. PkM's own activities began on August 27, 2021 and were completed by students on November 11, 2021.

Result and Discussion

The implementation of pkm itself was carried out since August 27, 2021 which involves 2 parties where the party is an MSME entrepreneur who has problems in the lack of understanding of brand registration carried out on the DJKI website which is referred to as partners and students who act as partner partners in the brand registration process and explain the process and structure of brand registration to partners.

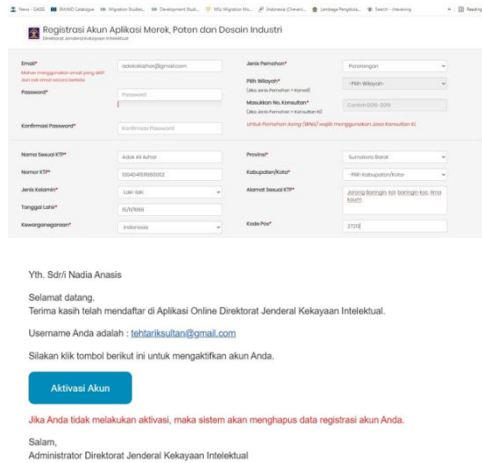
The implementation of PkM was carried out on August 27, 2021 by conducting observations and interviews with partners to find out the problems that partners have. Which is where the partner has a brand problem that has not been registered on the DJKI website and requires legal assistance in the form of brand registration assistance. So here the author helps the Partner to register the Partner Brand to the DJKI website and helps the partner to follow all the processes and procedures that will be carried out.



Picture 2 Observation and Interview Activities

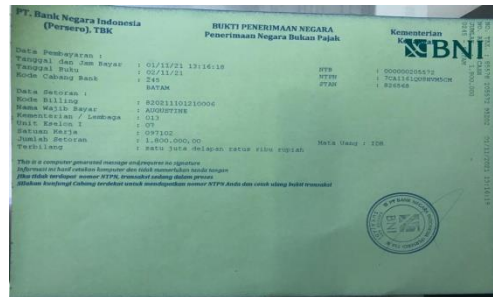
After knowing the problems experienced by the partner, the implementation is then continued by collecting a number of data needed in the brand registration process where this data itself consists of the partner's ID card, the partner's logo and the partner's signature where the main data itself is the partner's ID card as the key to the brand registration. Then after all the existing data data is collected on October 4, the process of registering a partner account where my registration needs to fill in some information data belonging to the partner contained in the partner's ID card and adjusted to the partner's ID card

which is then followed by the approval of the partner's account via email to be sent.



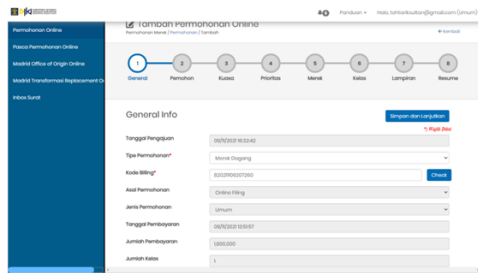
Picture 3 Partner Account Registration Process

Before the registration of the brand can be done, the brand must first pass the administrative stage in the form of payment per class to the brand to be registered which where the administrative stage itself begins with the application of the brand registration billing code for per class and continued with the payment of the billing code at Bank BNI. This administrative stage itself costs at least Rp 1,800,000, - per brand class.

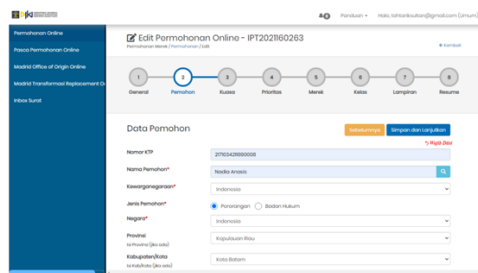


Picture 4 Payment Process at Bank BNI

After doing the administrative stage of the application fee, the initial stage is to fill out the form data that has been available on the DJKI website by filling in 8 data. These 8 data include; General Info, Applicant, Power of Attorney, Priorities, Brands, Classes, Attachments, and most recently resumes. Brand registration on the DJKI website is the filling of public data or on the website written "General Info" where in this case we only need to refill the billing code that we have previously obtained and then we can proceed to fill in the second data. Where the second data that we need to fill is the data of the brand applicant which is basically the data belonging to the partner that we need to adjust to the partner's ID card.

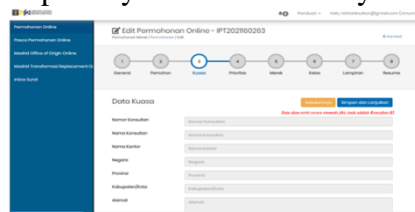


Picture 5 General Info Filling

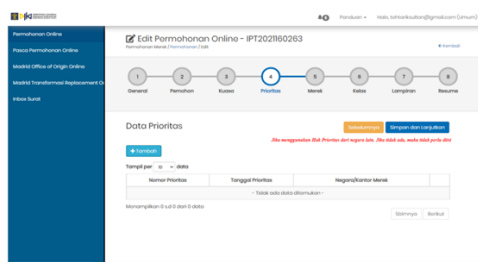


Picture 6 Filling in Applicant Data

In the next stage, the Applicant is asked to replenish the Applicant's Data which of course this data must be filled with data owned by the partner. In the next stage we can directly pass because for the third and fourth data itself is power data and priority data. The reason why these two data itself does not need to be filled is because we ourselves act as a substitute and as if we become partners in registering partner-owned brands, but our role is not the same as power because we still need to reconfirm some of the data we have filled to our partners. Brands are also not included in the priority brand. That's why both data can be passed.



Picture 7 Power Data



Picture 8 Priority Data

Then enter the stage of Brand Data owned by partners. In filling in this Brand Data we will be given some questions which are in the form of brand type,

Before the end of the process of our brand registration stage is completed, it would be nice to first again confirm a number of data that we have filled to our partners which is aimed at making sure and believe that the registered brand is on behalf of the partner and not the other party.

After all the data stages have been checked and reconfirmed by the partner, then our brand registration has been completed. And the proof of brand registration is in the form of a Brand Registration Application Statement letter and a Brand Registration Application Form.

Conclusions

Lyn'z Health & Beauty Care is a Traditional Medicine business where problems with the Brand are most likely to be imitated by irresponsible parties who do not have clear Legal Protections. Therefore, the assistance of brand registration is somewhat registered to get legal protection.

In the Implementation of this brand Registration provides benefits for a goods or service of the brand which aims to obtain guarantees then can obtain legal protection and legal force from the State against the registered brand. If the brand is not registered with DJKI then there will be an opportunity for irresponsible parties who will use the brand.

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