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Trademark and Logo Registration Mechanism on behalf of DE' Florist

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Abstract

The development of technology that cannot be avoided by the community and its rapid distribution flow, of course, can provide benefits for business actors in developing their business. Branding on products that are marketed becomes a marker for the community. This study aims to test empirically related to the implementation through a trademark registration mechanism. The method used in this activity is qualitative by developing the theory and implementing it, which is then compiled in a report on community service activities. The results of these activities such as understanding more about a brand, the function of the mark, the mechanism for registering a mark which is carried out online, and the benefits received after registering a mark for online business actors.

Keywords: *Technology, Brand, Brand Registration*

Introduction

One of the factors that the community considers to be consumptive in addressing daily demands is advances in information technology. The community's ability to use and monitor the system's progress is based on its convenience and efficacy.¹ Along with the advancement of technology, which is aided by the growth of the internet network, the number of people using social media is growing. This, of course, can provide business opportunities that are exploited by business actors to grow their businesses, namely through product sales via social media platforms such as Instagram and Facebook, resulting in a new concept in product marketing that is more modern. The community's purchasing power will undoubtedly expand as buying and selling transactions become easier.²

Increasing the percentage of buying and selling transactions through online media by utilizing existing technology by business actors, of course, a product

¹ Lisma Y.S., Muhammad I.P.N., "Perkembangan Teknologi Informasi Terhadap Peningkatan Bisnis Online", *Jurnal Ilmiah Management dan Bisnis*, Vol.2(1),2020,71-75,hlm.72.

² Dzara .I. I Wayan S., Alit .S., "Pengaruh Persepsi Harga, Orientasi Merek, dan Orientasi Belanja Terhadap Niat Beli *Fashion online*", *Jurnal Management Unud*, Vol. 4(4), 2015, 898-991, hlm.900-901.

requires a brand to boost competitiveness for business actors and to give a noticeable distinction for each business actor. ³When business actors encounter competitors selling the same item while advertising a product through online media, the brand becomes a difference and identifier for the community. As part of this community service endeavor, the proprietor of DE'Florist intends to apply for trademark registration for the product. This is a legal identity for the things produced and marketed; the registration is intended to offer legal protection for the owner's product mark in the course of his business activities, ensuring that it is not misappropriated by others.

Trademarks fall under the category of Intellectual Property Rights, and their legal protection is based on four principles, such as the following:⁴

1. The Justice Principle
There must be protections that gives a sense of justice and security when producing something new to ensure that the results of the production are not misappropriated;
2. Economic Principles
You will receive profit and selling value for the work that is produced or created;
3. Cultural Principles
Socio-cultural development that can raise the level of living and bring benefits;
4. Social Principles
The protection accorded to a work is based on a balance of individual and societal interests.

A business owner once wanted to register a mark on his product before making an offer on behalf of DE'Florist, but the procedure he had to go through was quite complicated, as stated in Law Number 20 of 2016 concerning trademarks and geographic identification which in the application process must be carried out directly on the spot.⁵ In the meanwhile, registration can be completed online at the Directorate General of Wealth of Indonesia's website. The following are some of the objectives of this trademark registration:

1. Assisting the DE'Florist business owner in registering his merchandise's trademark;
2. Provide an understanding of the requirement for legal protection in the implementation of online-based sales by securing trademark and logo protection in advance;
3. Assist in providing legal protection; and

³ Karlina P., "Kelemahan Undang-Undang Merek Dalam Hal Pendaftaran Merek", *Jurnal Privat Law*, Vol. V(2), Desember 2017, 84-92, hlm.90-91.

⁴ Febri.N.H., "Optimalisasi Pengawasan Pada Penerimaan Pendaftaran Merek Dalam Rangka Pelindungan Merek", *Jurnal Suara Hukum*, Vol. 2(2), September 2020, 234-256, hlm. 240.

⁵ Undang-Undang No.26 Tahun 2016 tentang Merek dan Indikasi Geografis

4. Implement an online-based community service to provide a solution during this pandemic.

Problem Formulation

The challenges investigated are as follows, based on the background stated above:

1. What is the role and mechanism for registering a trademark for an online-based business?

Methods

The method used by the author in this community service activity is to do a first analysis of the conditions and problems that occur in the community, after determining the subject matter to be discussed then looking for prospective applicants who want to be helped to register the trademark of their business, and then given explanation and understanding in advance of the importance of registering a mark and how the mechanism or process is going through so that the mark can be registered legally. This process is carried out online considering the ongoing Covid-19 pandemic conditions and restrictions on entering Indonesia, this is because the owner of the business is abroad.

Result and Discussion

1. The Role and Mechanism of Registering a Trademark Against an Online-Based Business

Building a business nowadays does not just entail renting a location to market its goods; with the passage of time, the process of purchasing and selling transactions may also be carried out via internet media. This is because the use of social media by the general public is increasing, business actors are increasingly using online media to market their products, and of course, launching an online-based firm requires less money because there is no need to pay for a physical location. Business actors in online-based product marketing must have a brand for their items for individuals who wish to use them to recognize them. A brand plays a significant function in business because the goods exchanged in the market are likely to have certain similarities, necessitating the existence of a brand to serve as a differentiator.⁶ A brand is a visual representation of the distinction between a product and its competitors' products in the form of photographs, paintings, writings, letters, and numbers.⁷ The use of a brand on a product is meant to provide a guarantee of value for the product as seen in its creation, thus it can influence consumers' opinions and judgements.⁸ Business actors that use social media to advertise their products may encounter other business actors who sell or market the same type of product, but each business actor will have a unique marketing pricing

⁶ Jisia.M., "Perlindungan Hukum Atas Merek Dalam Perdagangan Barang dan Jasa", *Jurnal Lex Privatum*, Vol. 3 (1), Juli 2013, 90-100, hlm. 92.

⁷ Muchtar.A.H.L., "Penyelesaian Sengketa Hak Atas Logo (Suatu Kajian Overlapping Hak Cipta dan Merek)", *Jurnal Hukum Acara Perdata*, Vol. 5 (1), Juni 2019, 151-166, hlm. 153-154.

⁸ Haedah.F., "Perlindungan Hak Atas Merek", *Jurnal Dinamika Hukum*, Vol. 8 (1), 2018, 38-43, hlm. 39.

and distinguishing qualities, such as the brand they use. This is to ensure that customers can distinguish and recognize their items. A brand of course also plays a role in the development of a product, such as:

1. A point of differentiation between competing products;
2. A promotional tool;
3. A means of obtaining legal protection in the event that it is abused by irresponsible individuals.

The current state of the Covid-19 pandemic, which is still happening, has limited community initiatives aimed at preventing the spread of virus. The government uses this to develop a variety of solutions to ensure that community activities continue to run smoothly and without impediments, such as trademark registration, which can now be done online.

The following stages are performed in the implementation of community service activities through trademark registration:

1. First, make observations to look for potential applicants who want to register their business marks;
2. After getting a potential applicant, I can proceed on to the interview stage to learn more about the line of business that they are in;
3. Getting all the information needed to complete a trademark registration;
4. Make a deal with the business owner about the costs that must be paid;
5. Request the business owner to sign the Memorandum of Understanding and Memorandum of Agreement relating to the agreement between the business owner and the author as a Batam International University student;
6. Register and pay online at the Directorate General of Intellectual Property's website;
7. Give business owner a soft copy of the application statement file.

The following are the results that have been attained based on the implementation stage of the activities carried out:

Picture 1



Table 1

NO	ACTIVITIES	EXTERNAL	Results obtained
1	The mechanism and significance	An understanding of how a brand works	already understood

2	of a trademark registration process	Understanding the steps involved in trademark registration	already understood
3		An understanding of a brand's legal protection is essential.	already understood
4		Understanding of the rights granted to a brand	already understood

Based on the table above, the main focus in its implementation is related to the process of registering the mark, thus the following is a summary of the advantage and disadvantage of implementing the activities:

a. Advantage

The author can provide an overview and information to business owners on the relevance of trademark registration in an online-based business field to acquire legal protection, and after the trademark is registered, the DE'Florist brand can be used in these business operations. It will, of course, develop its own character and economic worth.

b. Disadvantage

Due to the present Covid-19 epidemic, which affects the procedure from the interview stage to registration, the implementation of this activity has a disadvantage in that every process is carried out online. As I do not meet directly with the business owner, the time required is also considerable long because I need time to confirm any data requested from the business owner via chat.

The level of difficulty experienced in this activity include:

1. Communication that is solely conducted through online;
2. Required a long time to send files that need to be signed as the owner is not in Batam;
3. Online brand registration can surely have an impact, such as technical errors in emails, resulting in the first submission not receiving clearance and the business owner not receiving the information by email.

Conclusions

Through this activity, the author has created an implementation plan that will be carried out in order to meet the implementation's objectives, as well as the level of achievement of the activity targets, which include:

Table 2

No	Activities	Target	Realization
1.	Make observations to	Sep-21	Sep-21

	find potential applicants		
2.	Conducting interviews and data collection, as well as providing an understanding of the importance of trademark registration and its purpose.	Sep-21	Oct-21
3.	Sign MoU & MoA	Sep-21	Oct-21
4.	Brand and Logo Revision	Sep-21	Oct-21
5.	Brand Registration I	Oct-21	Nov-21
6.	Brand Registration II	Nov-21	Nov-21

There are a variety of impacts and benefits associated with the implementation of these actions, such as:

1. Provide information about trademark registration that the author is familiar with, so that the business owner understands the purpose of trademark registration and can register the mark he wants to use if he decides to start a new firm;
2. Provide a legal understanding of trademark protection in the online world.;
3. Provide a solution during this pandemic by implementing online-based community service.

After carrying out community service activities on behalf of DE'Florist through the mechanism for registering a trademark, the author advises business owners to register a business, as stated in Government Regulation Number 80 of 2019 Article 9 paragraph 1 which states *“The parties in PMSE must have, include, or convey the identity of a clear legal subject,”*⁹ and according to Article 15 paragraph 1 *“Business actors are obliged to have a business license in performing PMSE business activities”*.¹⁰ Through the preparation of this community service activity report, the author would like to thank all parties, especially Mr. Denny Marisno as the business owner of DE'Florist who has entrusted the author as a party to assist in the process of registering the mark and Mr. Agustianto as a supervisor in carrying out community service activities.

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¹⁰ Peraturan Pemerintah Nomor 80 Tahun 2019 Bab V Pasal 15 ayat 1

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