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ASSISTANCE OF BRAND REGISTRATION AT SATE ASIH RESTAURANT AS AN EFFORT TO PROTECT LEGAL PROPERTY

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Abstract

In Intellectual Property Rights (IPR), the brand is a symbol in the form of a logo, name, and even color as a differentiator and identification mark in the world of trade in goods and services. The role of the brand, in this case, is to maintain healthy trade competition. Therefore the brand is important for trade protection. Protection of a brand will be obtained if a trademark has been registered at the Directorate General of Intellectual Property (DJKI). So with that, it is necessary to have legal protection for marks where this arrangement is based on Law No. 20 of 2016 on Trademarks and Geographical Indications. With the issuance of regulations on trademarks, it is expected to provide legal protection for registered trademarks. Sate Asih Restaurant is the pioneer of the first Sate and Goat Curry in Batam, which was founded in 1994. However, it is known that Sate Asih has not registered its brand with DJKI. So, through this scientific research, the author seeks to assist in the registration of Sate Asih's trademark. The purpose of this research is to help Sate Asih to avoid the emergence of brand disputes. The research methods used in this study are methodology empirical legal research, in which the authors use primary data such as observation and direct interviews, assisted by secondary data in the form of library research. The result of registering a mark belonging to Sate Asih is in the form of a receipt for a trademark registration application.

Keywords: *Registration, Trademark, Assistance, Directorate General of Intellectual Property*

PRELIMINARY

Business competition both at home and abroad in this case is experiencing rapid development and improvement, which causes many factors which must then quickly adapt to these developments. Associated with trade, in this case, cannot be separated from its relation to intellectual property rights, in which the role of Intellectual Property (IP) in this case is one of the important things used in maintaining the stability of business competition, which is the role of IP itself in this regard. can be a preventive measure in an unfair business competition. The definition of intellectual property, in this case, is an idea and or rights that are then given to the results of thought that can be useful in the form of products or other works.

Intellectual property in this case is known in Indonesia as divided into 2 (two) parts, namely copyright and industrial property rights, which in this case industrial property rights consist of patents, trade secrets, integrated circuit layout designs, and geographical indications. A brand has meaning in the world of trade in services and goods, in Indonesia itself a trademark is one type of "IPR" which is the longest compared to other types of "IPR", in this case, it has been stated in Law Number 15 of 2001 concerning Marks which is a regulation that has amended Law Number 14 of 1997 concerning Marks. The current regulation is Law Number 20 of 2016 concerning Marks and Geographical Indications, which can then be called the Trademark Law. The definition of a trademark, in this case, has been regulated and explained in the regulation where a trademark is a mark that is then used for goods that are traded and carried out jointly by individuals and or legal entities as differentiators from similar goods. The definition of a mark itself in this case is a sign that can be in the form of pictures, words, names, letters, numbers, logos, and color arrangements which in this case can be in the form of 2 (two) and or 3 (three) dimensions, sound, hologram or a combination of these elements which can then distinguish goods and or services which are then produced by individuals and or legal entities. As for the important role of brands for producers and consumers, the role of brands for producers as a marker or differentiator from each product sold with competitors of similar products. As for consumers, the brand is a symbol to recognize a product. Consumers, in this case, in using a product and or service that already has a brand, will use a product and or service of that brand on an ongoing basis, which is based on the trust and quality of a brand, so that the consumer already knows what they need. them in using a product or service. This also applies to restaurant and restaurant brands where the brand for the business will identify the brand with the business. A restaurant is a place that sells food to the general public with service and provides tariffs for each dish sold. Each restaurant has the characteristics of each of the food it sells. As for, in this case, the Sate Asih restaurant provides special dishes, namely special satay, and goat curry, however, the Sate Asih restaurant also provides chicken satay as an alternative for consumers who do not eat or like goat meat. The Sate Asih Restaurant has been registered for a Business Permit by the Batam City Government since September 29, 2016. Although it has been established in 1994, until now, Rumah Makan Sate Asih has never registered its trademark with DKJI due to lack of knowledge. Trademark registration for a restaurant is very important as legal protection for its products because if a restaurant is not registered with a trademark, there will be no strong legal protection later. After all, if the trademark has not been registered, if the action is harmed, the brand owner will not resolve infringement of trademark rights by taking legal action. Thus, the existence of this Mark Registration is needed for the common interest. If a restaurant does not have brand protection, it will pose a risk to the restaurant in the future. So that in terms of this background the author is interested in raising the title "Assisting on Trademark Registration at Sate Asih Restaurant as an Effort to Protect Intellectual Property Law"

METHOD

Associated with the research method which is then used in this paper, from data collection techniques which use empirical research in the form of data results from the field and primary data derived from data collection used by the author in using data entry into community service. The primary data used in this case are interviews and observations. Interviews were conducted with the owner of the Sate Asih Restaurant to elaborate further on the legal issues being encountered. While observations were made on operational activities that took place at the Sate Asih Restaurant in order to identify legal problems that were encountered or might be encountered. After collecting data from secondary data and primary data, the output is designed, such as searching for information on partner locations, partner identities, and legal problems encountered. The next stage is to search for information related to the procedures for trademark registration and continue with collecting data needed for output design, data presentation, and data compilation in Community Service. This is followed by the preparation stage and implementation stage and ends with the evaluation stage.

DISCUSSION

The process of implementing the output is carried out by assisting the Sate Asih Restaurant in registering its business mark through an online application to the Director-General of Intellectual Property (DJKI). The stages in question can be described as follows:

1. Collect the formal and material requirements that must be met in applying for trademark registration online. Regarding the conditions that must then be fulfilled, namely by submitting an application to register a trademark online, including:
 - a. Etiquette/brand label
 - b. Provide the signature of the applicant electronically, and;
 - c. Recommendation Letter for Assisted SMEs or Certificate of Assistance for Small and Medium Enterprises (Original) specifically for applicants in the form of SMEs. In addition, the mark must also substantially comply with the provisions as regulated in Articles 20, 21, and 22 of the Law on Marks and Geographical Indications;
2. Prepare an online service mark registration application fee, which is Rp. 1.800,000.- (one million, eight hundred thousand rupiah) for submission by the public;
3. Registering an account on the Mark Application (brand.dgip.go.id) Registration is done by filling in the applicant's data, and the required data includes the e-mail address that will be the username; password (password); type of applicant and attachment of supporting documents; Name as it appears on the ID card; ID card number; gender; date of birth; citizenship;

mobile phone number; province; regency/city; address as it appears on the ID card; Postal code; the statement that the account creation was made with the correct data;

4. Brand account verification and activation via e-mail from online@dgip.go.id;
5. Log in as an applicant on the Brand Application. The application will display a pop-up dialogue informing the user of the successful login as well as the contact information for the complaint and questions about the brand.
6. Click “online application” to apply for trademark registration electronically, then click “Add” to make a new application;
7. A pop-up confirmation dialogue will appear. Click the button to place an order for the billing code. A pop-up dialogue for ordering billing codes will appear, and the required data will include the type of application, type of application and class choices;

To determine the choice of class in which the rights to trademark rights are registered, the trademark owner looks at the list of class classifications of marks on the website <http://skm.dgip.go.id/> as a reference. The Sate Asih Restaurant Business Brand is registered in class 43. After all the data is filled in, click the "Order Billing Code" button.

8. The applicant will be redirected to the SIMPAKI page with a display of application data, type of application and class being applied for, then complete the required contact data on that page.
9. Then click the “Process” button, and Simpaki will issue a Payment Order;
10. The applicant makes payments to DJKI in accordance with the instructions contained in the Payment Order;
11. Order a billing code which the applicant can then do by filling in the required data such as the type and type of application.
12. Payment in this case can be made by the applicant by looking at the amount of the bill obtained on the SIMPAKI page;
13. Re-login to the Brand Application and carry out the online application stages like points 6 and 7. Then click the "already" button to place an order for the billing code after the confirmation dialogue pops up appears.

The applicant fills in the data to apply for trademark registration through eight (8) tabs that will appear after confirmation that the billing code order has been ordered. The tabs include general data, applicant, power, priority, brand, class, attachment, and resumes. The applicant must also upload the required supporting files, including the brand label and the applicant's signature.

14. The applicant checks again the data that has been inputted on the resume tab. and after the applicant checks the application and it has been filled in correctly, then click 'finish'. A confirmation dialogue pop-up will appear stating that the applicant states that the data entered is correct and does not need to be changed again. Click the 'yes' button.
15. The page will display a Preview of the Brand Application Data. The applicant can download a receipt which can be downloaded at that time and then the statement letter can also be downloaded on that page as a product document on the system.
16. The application that has been received by the DJKI pursuant to Article 14 of the Mark and GI Law will be followed up with a formality examination within a period of no later than 15 (fteen) days. If the formal brand requirements are completed, it will be continued at the announcement stage for two (2) months.

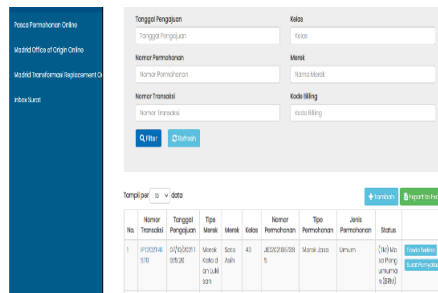
FORMULIR PERMOHONAN PENDAFTARAN MEREK INDONESIA
APPLICATION FORM OF INDOONESIAN TRADEMARK REGISTRATION

| Data Permohonan (Application) | |
|---|--|
| Nomor Transaksi Number of Transaction | : IP12021141570 |
| Nomor Permohonan Number of Application | : jID2021007385 |
| Tanggal Penerimaan Receipt Date | : 2021-10-07 10:44:25 |
| Asal Permohonan Office of Origin | : Online Filing |
| Tipe Permohonan Type of Application | : Merek jasa |
| Jenis Permohonan Sub Type of Application | : Umum |
| Data Merek (Description of Mark) | |
| Tipe Merek Type of Mark | : Merek Kata dan Lukisan |
| Nama Merek Name of Mark | : Sate Asih |
| Deskripsi Description | : Lingsaran, Sate, Terdapat waris barjiat menggarakan kakanda, terdapat lukisan Sate Asih dan tulisan Since 1994 |
| Warna Colors | : Hitam, Putih, Hijau Muda, Hijau Tua, Orange, Cokelat, Ungu dan Kuning lemon |
| Terjemahan Translations | : Tidak Ada Terjemahan |

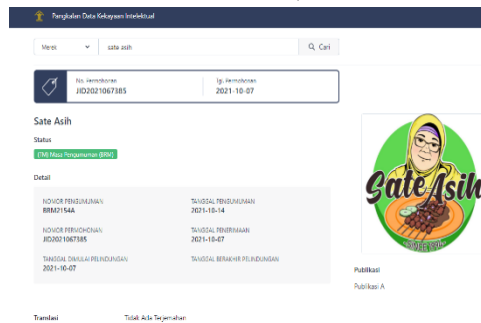
(Figure 1.1 Signs of Acceptance of the Sate Asih Restaurant Business Mark)

The evidence from the outputs designed during the implementation of this PKM activity includes:

- a. Evidence of success in assisting the registration of Sate Asih Restaurant Business Mark, which is carried out online to the Directorate General of Intellectual Property (DJKI) in the form of an acceptance form for the Sate Asih Service Mark.



(**Figure 1.2** Proof of Successful Registration of Business Mark for Sate Asih Restaurant)



(**Figure 1.3** Status of Business Mark Registration for Sate Asih Restaurant)

b. Evaluation and presentation of PKM activity report through SOP.



c. (**Figure 1.4** Evaluation and Report Presentation)

After providing assistance to the Sate Asih Restaurant in the registration of the Sate Asih Restaurant Business Mark, which has met the requirements to obtain exclusive rights to the registered Sate Asih Restaurant Service Mark as stated in Article 3 of the Trademark Law and GI, The period of protection for the Sate Asih Restaurant

Business Mark lasts for 10 (ten) years from the ling date and can be extended. Thus, the guarantee of protection and legal certainty for the Sate Asih Restaurant Business Mark is realized.

CONCLUSION

After the author has finished doing the job training or what is called "community service" at the Sate Asih restaurant, the author can conclude that, in this case, the Sate Asih restaurant initially did not have the right to the brand. So, in this case, the author, while carrying out practical work or community service (PKM) at the restaurant, carries out registration activities for trademarks through the Directorate General of Intellectual Property (DJKI), which is a system for registering a brand of goods/services that is systematically integrated and can then give rights to the brand of an item or service, especially at Rumah Makan Sate Asih, in order to get protection and legal certainty for the brand. And the authors look at this, registering trademark rights by observing and studying documents related to the trademark rights registration process so that the authors themselves get learning and knowledge related to the practical work they carry out. The implementation of the trademark registration process itself is carried out in the Directorate General of Intellectual Property (DJKI) system on the mark.dgip.go.id page. What the author does, in this case, is have an announcement number and an application number for the Sate Asih Restaurant Mark. The number is then used to wait for the announcement of the registration of the right to the mark from Rumah Makan Sate Asih. If it is completed, a certificate of right to the mark will be issued from Rumah Makan Sate Asih itself as a sign of difference from other restaurants.

THANKYOU NOTE

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