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BRAND REGISTRATION'S ASSISTANCE "PT. FLUORITE MEDIA INDONESIA" IN GETTING LEGAL PROTECTION

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Abstract

This internship program aims to help the community. This program is a form of Community Service (PKM) in the form of assistance in trademark registration. PT. Fluorite Media Indonesia is a business engaged in photography and providing photo studio services. This business was founded in 2018. In opening a business in which there are competitors - other business competitors who have high competitiveness, legal protection there is a brand that is very necessary in protecting the brand so that there is no violation or imitation of unscrupulous irresponsible. Legal protection related to trademarks is regulated in Law No. 15 of 2001. The purpose of this trademark protection registration is to prevent plagiarism of the business mark. The data collection method in this Community Service (PKM) activity uses partner data collection methods, location information, details of trademark registration fees with trademark rights registration

Keywords: *Assistance In Brand Registration, Trademark Rights, Legal Protection*

Introduction

The very rapid development of the times brings a huge impact on human life, technological advances that are increasingly sophisticated have positive and negative impacts on human life because of easy internet access, telecommunications which make changes in human life from time to time and many emerging technologies - technology that helps human work such as the internet, cellphones, cameras, laptops and tablets that make all work more practical. One of them is like the Camera Obscura which was found since 1000 AD. (Salihah, 2020)

At the beginning of the creation of the camera with the concept of a small hole in a dark box that is illuminated by light which in the end produces an image that continues to evolve due to the development of the times so that the development of this camera continues to occur so that currently there are cameras that can produce good and clear image quality such as mirrorless cameras and DSLRs which later became an interest and hobby by some people who later used it as a way to make money or as a profession. (farrahrlst, 2019) Over time with the rapid development of technology which makes many people interested in getting into the world of photography and looking for business opportunities in the field of photography such as making photo studios or providing photography services such as photoshoots for a brand, catalogs, family photos, weddings photography and graduation photos which then make the competitiveness in the field of photography itself increase and

a customer will certainly see from the results of the photos that have been taken or taken by the photographer which at this time will usually be uploaded or uploaded on the Instagram page, the website of his business booking that will make people interested in using that person's photography services so that good results and prestige that are already well-known among the public are very important in owning a business, there also many people who claim to be the person who works at the place or imitate the logo owned by a photography business that has high popularity and is well known among the public and uploads it on social media so that people are interested and hire photography services from the imitator. Brand counterfeiting, such as using a name, logo or imitation of the packaging of a product or service brand from a well-known brand is a violation that is often carried out by several irresponsible parties and this can be subject to Law No. 20 of 2016 concerning Trademarks Article 100 - 102. (Putu Eka Krisna Sanjaya, 2018)

The Indonesian government is starting to pay attention to the creative industry starting with the implementation of regulations and provisions related to Intellectual Property Rights (IPR) because IPR itself is believed to be able to continue to advance and make the Indonesian nation proud because IPR is the result of creativity from someone's thinking which can eventually be realized as one of the assets that can be used as assets. valuable for the creator and can provide economic value from the results of his thinking. This creative industry itself can be in the form of goods such as handicrafts, batik products from an area, films, videos, photography, publishing, drawings or designs as well as the development of a research so that with this there is a need for laws and regulations that can provide legal protection to the creation as well as a trade and service business which is currently known as Intellectual Property Rights (IPR). (HASIBUAN, 2018)

The main purpose of enactment of regulations or provisions related to Intellectual Property Rights (IPR) itself is because of the many violations in the field of Intellectual Property Rights (IPR), one of which is violations in the brand of a business, both goods and services, ranging from cases of imitation and fraud on behalf of a business owned by someone else so that with the rise of cases that have sprung up, legal protection is made regarding the brand of a trade or service business. This brand itself is a special characteristic of a business owned by someone which can be in the form of 3-dimensional images, names, sounds, logos, letters, color composition or a combination of paintings and words that are different from other businesses. This is regulated in Law No. 15 2001 Article 1 concerning Marks. (Mirfa, 2016) The right to a mark owned by a person or legal entity will get legal protection if the mark has been registered with the Directorate General of Intellectual Property Rights (DJKI) this is regulated in Article 3 and Article 4 Paragraph 1 of Law No. 20 of 2016 concerning Marks and Geographical Indications (Balqis & Santoso, 2020). Laws related to trademarks are urgently needed because of the rampant violations of trademarks in the form of imitation and counterfeiting of trademarks and services that have made many business owners of goods or services harmed so that legal protection of a trademark or service is very much needed so that there are no entrepreneurs who are harmed. Counterfeiting and imitation of a brand can be categorized as dishonest competition because it can be fatal for the imitated brand, such as reduced turnover or sales income, lowering the

quality or trust of customers if there is a decrease in quality and quality as a result of imitating the brand. (Son, 2014) If this happens then the photos and services provided are definitely not the same and of course this will make the customer disappointed and can be fatal for the place where of course the customer who feels disappointed or dissatisfied will say that the price and quality of the photos he took at that place were inappropriate and disappointing and people would not use the photography services owned by the place even though the place that provided poor image quality and disappointing service was just a copycat of a brand on behalf of a place of business and installing the logo owned by the venue. So with things like this, registering a trademark with the Directorate General of Intellectual Property (Directorate General of Intellectual Property Rights) is very important in avoiding things that are not desirable or detrimental to business owners and if you have registered a trademark, your business will get legal protection and protection. legal certainty, obtain exclusive rights and be registered with the Directorate General of Intellectual Property (Directorate General of Intellectual Property Rights) so as to avoid things that are detrimental to business owners. The number of cases of violations in the field of Intellectual Property Rights (IPR) is increasing as a result of the trade in goods and services sector which plays a very important role in people's lives today, which can be in the form of copyright and trademark violations, violations related to trademark rights. This itself can be in the form of forgery of someone's brand starting from the name of a business or logo that can worsen the image of the original business owner. (Semaun et al., 2016)

Method

The research method used is using the observation method in the form of collecting the data needed in the brand request starting with observation to obtain the documents needed for online trademark registration such as partner location information, partner identity, partner data and problems experienced by subsequent partners carried out are data collection, data presentation and data compilation

Furthermore, there are several stages in the implementation of Community Service (PKM), which are as follows:

- Stages of preparation for implementation

At the implementation stage, starting with conducting and observing partner businesses in the implementation of this PKM activity, after getting partners, the authors offer partners to carry out training in request registration. The method used in collecting observation data and required documents as well as details of general trademark rights registration fees After finding a partner, a proposal is submitted to the supervisor in carrying out PKM activities in the form of assistance for trademark registration which is realized by making a cooperation agreement letter in the implementation of assistance for trademark registration with partners

- Stages of Implementation

In the implementation of PKM activities, it begins with the stage of providing explanations and understanding to partners on the procedures for online trademark registration, what things are needed in online registration and the general trademark registration fee of IDR 1,800,000. Before registering a mark, we must see whether the mark has been registered or not on the Intellectual Property Database website,

in the implementation of trademark registration assistance there are several processes that must be passed, namely:

- a. register or create an account on the website <https://brand.dgip.go.id/>
- b. Create a new application by clicking add
- c. place an order for a payment number that contains the type, type and class in the trademark registration.
- d. After getting the payment number and paying it to the BNI bank to be able to apply for a trademark
- e. Fill in all the stages
- f. Uploading the requested data as a condition for applying for a trademark, namely uploading a brand label and the applicant's signature
- g. If you have finished inputting all the requested data, you can click on it then the applicant will return to the online application page which displays the status of the Formality check.

- Evaluation Stage

At this stage together with partners (Fluorite Studio) will conduct a review or examination of the process of implementing Community Service (PKM) and receipt of online request registration after the preparation of a report on the trademark application activity which contains 5 chapters, namely the introduction, the target you want achieved and outputs, methods of implementation, results and outcomes achieved as well as conclusions and suggestions. This PKM activity report will be carried out after the report has been compiled.

Result and Discussion

Implementation of brand registration's assistance "PT. Fluorite Media Indonesia" in getting legal protection

The initial step taken by the author before carrying out Community Service (PKM) activities is in the form of assistance in trademark registration, namely obtaining permission from a partner, namely Fluorite Studio in implementing the PKM program by providing proof of approval in the form of a statement or can be said as a certificate in the implementation of cooperation between the two parties in Community Service (PKM)



Figure 1. Certificate/Statement of the PKM Activity Implementation Program

After obtaining approval from partners in assisting the online registration of the Fluorite Studio brand by making an online application through the DJKI website, then proceed to the registration stages which are carried out as follows:



Figure 5. Account Activation email page



Figure 6. Pop Up Dialog Successful Login

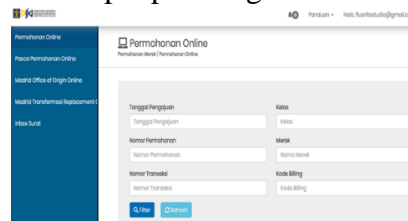


Figure 7. Online Application Page

7. If you are already on the online application page, then click the add button which will bring up a confirmation pop up dialog regarding the billing code, if it is then click on it and if it has not appeared the Billing Code Ordering Dialog which contains the application type, type of request and choice of brand class



Figure 8. Confirmation Pop Up Dialog

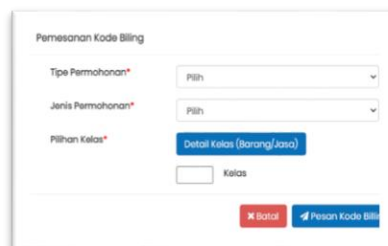


Figure 9. Pop Up Dialog Order Billing Code

8. If you have confirmed the billing code pop-up and clicked on it, the applicant must fill in the data to apply for trademark registration through 8 stages consisting

of general, applicant, power of attorney, priority, brand, class, attachment and resume

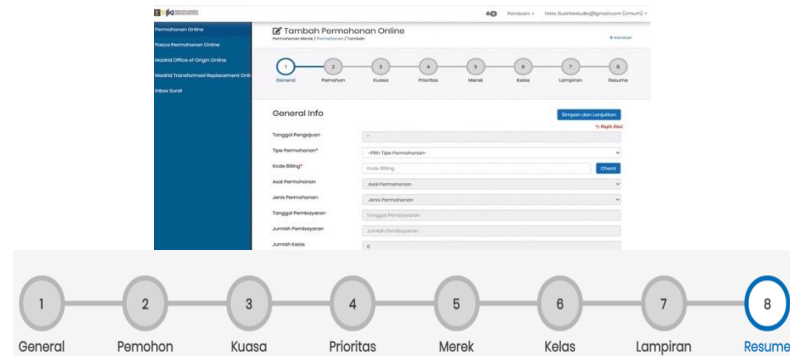


Figure 10. Online Application Page

9. If the applicant has completed all the stages, the system will return to the online application page which displays a receipt and a statement that can be downloaded by the applicant

10. The application that has been received by DJKI shall be followed up with a formality examination within a period of no later than 15 days. If the requirements for the brand are complete, it will proceed to the publication stage or publication with a period of 2 months. The advantage of this PKM is that the brand of a business owned by Fluorite Indonesia can be legally protected and get exclusive rights so that if there is a case of imitation or use of a brand belonging to a business actor that causes harm to someone, the business actor can sue that person with unfair competition and brand infringement in the court. Many people are not aware of this trademark registration because they think that this requires a long process and has to incur a lot of costs so that with this PKM activity the public can know that trademark registration does not require a long process and can be submitted online.

Conclusion

Brand protection is very necessary if we have a business so that our business has legal protection that can protect against actions that can harm someone who has a business, especially the number of business competitors, so business owners must make products or business brands attractive from other competitors. This brand itself is an exclusive right owned by a business in the form of symbols, logos, words, 3-dimensional writing and sounds that are the characteristics of a brand that has been registered with the Director General of Intellectual Property Rights and has received legal protection in accordance with Law No. 15 of 2001. about Brand. The registration of the Fluorite Studio service mark is carried out so that there are no irresponsible parties that can harm the Fluorite Studio so that the registration of the service mark related to Fluorite Studio is carried out in order to get legal protection. The method used in carrying out this PKM activity is the observation method in collecting documents as well as data and information related to partners and in the implementation of this PKM, the trademark registration receipt has been obtained and has reached the stage for publication.

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