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ASSISTANCE OF LEGAL PROTECTION FOR THE MARYAM RICE TRADEMARK

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Abstract

In Law 20 of 2016 concerning Marks and Geographical Indications in Article 1 Paragraph 1 explains that A brand is a sign that is displayed graphically in the form of images, logos, letters, words, and color arrangements in 2 or 3 dimensions by combining these 2 or 3 elements which creates a difference in goods and or services produced by individuals or legal entities in trading activities. Good faith in trademark registration is the beginning of the filing of a trademark registration application in Batam, where each brand and its logo has different characteristics and characteristics from each of the services and goods businesses. In this case, the owner of Nasi Bakar Maryam does not understand and does not know how to do Online Mark Registration. It is important for all Traders to Register their Marks so that they can be legally protected against trademark rights and get legal certainty over the trademarks owned by every trade in Goods and Services. Brands in the world of trade in goods and services have a very important role. For that purpose and from this community service is to register the trademark. The implementation method of this activity has 3 stages, namely making an agreement and explaining to partners the purpose of this activity, collecting the required data, and registering a mark and the result of this activity is that the Nasi Maryam Mark will be registered in Intellectual Property Rights.

Keywords: *Trademark Registration, Trademark Protection, Trademark*

Introduction

Registration of a Mark or Logo is one way for all MSME or Non-MSME Partners with the aim of having evidence that the Partner who registers the Logo or Mark is the legal owner and has legal force. (Nurrachmad, 2011) In order to prevent other Partners from using or using the Brand or Business Logo, and each business of each partner must have a difference in presenting and providing services to the community, one of the characteristics is that the public recognizes and remembers it through the Marks owned by each. – each of these Partners. Therefore, in order to obtain legal protection, it must be registered with the DJKI or the Directorate General of Intellectual Property which will be protected by the Ministry of Law and Human Rights. By registering the Mark Rights, the Partner has freedom in

commercial purposes and has the right to prohibit other Parties or Partners from using the mark for the same class and type of goods or services. What has been discussed in this activity with partners and partners to help each other in carrying out and carrying out trademark registrations owned by the writing partners, namely Nasi Bakar Maryam, Mrs. Nur'aeni, who has been running her business for quite a long time. Article 1 of the Trademark Law has confirmed the definition of a mark, the new trademark law is Article 1 Number 1 of Law Number 20 of 2016 concerning Marks and Geographical Indications explaining that what is meant by a mark is: "A mark is a sign that can be displayed. graphically in the form of pictures, logos, names, words, letters, numbers, color arrangement, in the form of 2 (two) dimensions and/or 3 (three) dimensions, sound, holograms, or a combination of these 2 (two) or more elements to differentiate goods and or services produced by persons or legal entities in the activities of trading goods and/or services. (Anugraha, 2020). Based on this theory, the state aims to provide a sense of security and justice in Indonesian society or citizens who have businesses that are recognized and protected by the state. Trademark laws are made not only for the benefit of the community but also for the interests of the development of the country. (Miru, 2005) A trademark owner with good intentions is an honest trademark owner. One of the MSMEs that wants to be registered is the MSME that is established in Batam City, namely Nasi Bakar Maryam belonging to Mrs. Nur'aeni, which was founded in 2014 and is now 7 years old. MSMEs in Batam City were recorded as of 2019 as many as 81,486 businesses from various types of businesses, both Micro, Small and Medium Enterprises. (Haryono, 2012) Of this number, according to the Head of the Batam City Cooperatives and UMKM Service, not all of them are active in business, and there are still many new micro-enterprises that have not been recorded, which means these businesses do not take care of Micro, Small and Medium Business Permits. Mark registration fee according to Government Regulation no. 28 of 2019 is Non-Tax State Revenue (PNBP) of IDR 500,000 if the registration is done electronically and IDR 600,000 if the registration is done non-electronically. Brand PNBP charged to the public is IDR 1,800,000 if the registration is done electronically and IDR 2,000,000 if the registration is done non-electronically. The problem is to get the right to charge PNBP as MSMEs, business owners must obtain an MSME Permit from the Batam City Cooperatives and MSMEs Service, which means in simple language they must be registered as MSMEs at the relevant agency. There are also MSMEs that have complied with the capital category as MSMEs based on Law no. 20 of 2008 but cannot be recognized as MSMEs if they have not obtained an MSME Permit, also including businesses like this they will not receive guidance and services from the government. One form of service is the imposition of brand non-tax revenues. Therefore, MSMEs that have not obtained an MSME license must be treated as a general category in the imposition of brand PNBP, with a value of IDR 1,800,000 if submitted electronically and IDR 2,000,000 if submitted non-electronically. (Amboro, 2019).

Method

The method used in the implementation of this PkM is an advocacy method which is an implementation method in the form of partner assistance activities in

solving legal problems that they are currently experiencing. The mentoring activity here is in the form of mentoring activities for partner's trademark registration where the previous partner has never registered a trademark on the DJKI website. Therefore, this assistance is needed so that partners feel that the brand is safe and the brand is not in the name of someone else. Observation or Observation in this data collection technique observes MSMEs in Batam City whether they already know and understand the purpose of carrying out Trademark Rights Registration and provide an understanding of the procedures and requirements for online registration on the DJKI website. Second, there is an interview technique in which this data collection technique is used to add and complement observation data that can clarify the problems that are actually experienced by partners.

Discussion

Implementation preparation begins with collecting data used for the registration process, namely photo ID cards, logos that will be registered with DJKI, the form of Partner Signature Scan and followed by a discussion about the fees used for registration and where all costs are borne by students. After all the data above has been collected, there are several stages that need to be carried out in trademark registration which starts from Partner Account Creation, Administrative Stages which are carried out at BNI Bank and after that trademark registration is carried out at DJKI. After all the previous stages have been completed, then the proof of mark registration is submitted to partners and provides direction to partners about the stages of trademark registration. The implementation/implementation of the PkM itself was carried out on August 31, 2021 by conducting observations and interviews with partners to find out the problems that partners have and the result is that partners have problems where the brand still does not have legal protection and is still not registered on the DJKI website and partners who have never had legal protection. completely carry out trademark registration activities on the DJKI website so that partners need legal assistance in the form of trademark registration assistance.



Picture 1

Registered Brand

On November 16-17, 2021, trademark registration was carried out through the DJKI online website where before registering the mark it was necessary to pass this administrative stage itself through the trademark registration billing code for its class at BNI bank. And at this stage we have to pay Rp. 1,800,000 per brand class.

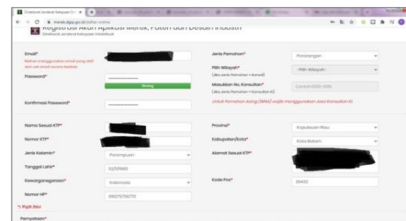


Figure 2

Proof of Payment at BNI Bank

After the administrative stages have been carried out, then trademark registration can be carried out where there are 8 data that we need to fill in and the first data we will encounter in trademark registration on the DJKI website is Filling in general data or on the website it is written "General Info" which in this case we Fill in all partner data correctly. where the most important data is the partner's ID card, partner's signature and partner's brand that has not yet been registered on the DJKI website.

After all the data above has been collected, then on October 17, 2021, a partner account registration will be carried out on the DJKI website where registration for this account itself needs to fill in a number of partner data information that is adjusted to the partner's ID card which is then followed by approval of the partner's account via email



Yth. Sdr/i NURAENI

Selamat datang.
Terima kasih telah mendaftar di Aplikasi Online
Direktorat Jenderal Kekayaan Intelektual.

Username Anda adalah : chikatewe2009@gmail.com

Silakan klik tombol berikut ini untuk mengaktifkan
akun Anda.

[Aktivasi Akun](#)

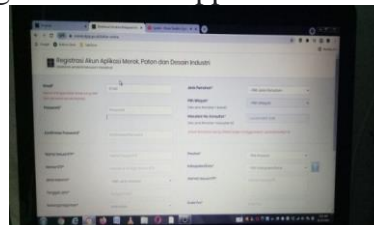
Jika Anda tidak melakukan aktivasi, maka sistem
akan menghapus data registrasi akun Anda.

Salam,
Administrator Direktorat Jenderal Kekayaan
Intelektual

Picture 3 and 4

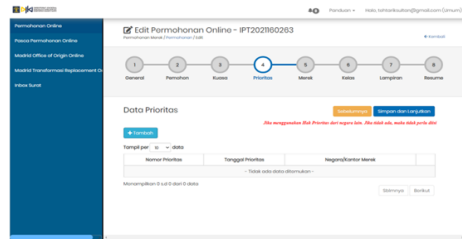
Partner Account Registration Process

Followed by the Filling stage there is an Applicant and enter the Billing Code

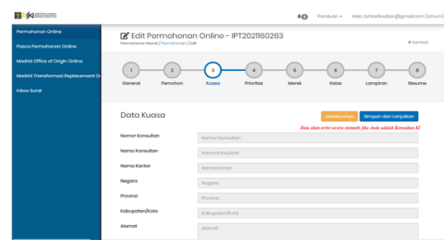


Picture 5

Checking Partner Payment Status with Billing Code



In the next stage, we can immediately skip it because the third and fourth data itself is power data and priority data. Because we ourselves act as substitutes and it is as if we are partners in registering a partner's trademark, but our role is not the same as a power of attorney because we still need to reconfirm some of the data that we have filled in to our partners. The brand is also not classified as a prioritized brand. Therefore, we can skip these two data.



Picture 6
Data Kuasa

Next we need to fill in the brand data owned by partners. In filling out this fifth data, we will have questions in the form of brand type, brand name, brand label description, color elements in brand labels, whether there is a translation or not, brand pronunciation if the brand uses non-Latin words to the point of disclaimer. In addition to these questions, we will also be shown additional data, which in this case we do not need to fill in because this additional data is specifically intended for three-dimensional brands, holograms and sound.



Figure 8
Brand Data

And the sixth thing we have to fill in is class data where at this stage itself we need to fill in what is sold by partners. And in filling out this data, Mityra belongs to class 30 with the explanation Nasi Bakar.

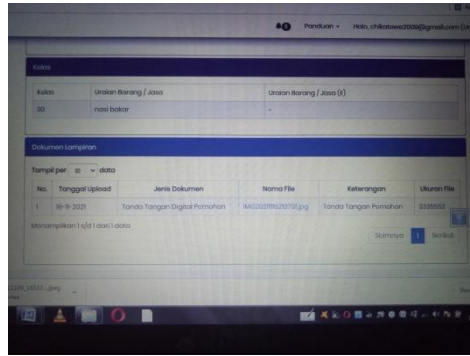
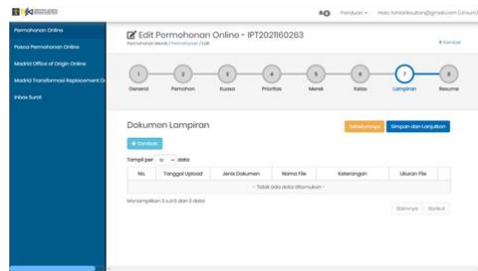
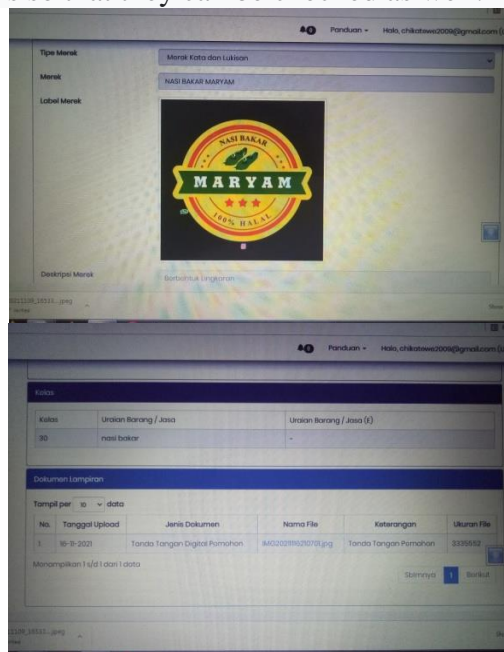


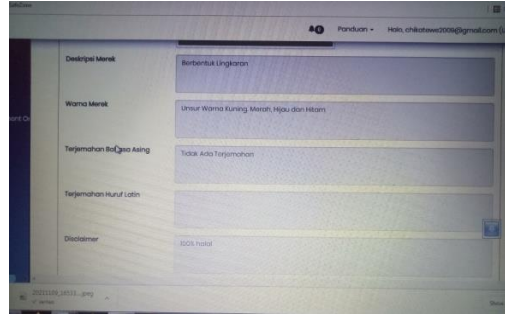
Figure 9 Brand Class Data

The seventh stage is data regarding attachment documents or supporting documents in brand registration, which in this attachment document itself we only need to enter the partner's signature.



The eighth data is the last data, summary data will appear from our results filling the initial stages and the point is to re-check everything that has been filled in and can be given to partners so that they can be checked as well.





Picture 10,11,12
Charging Summary

And then we provide evidence that we have completed assisting partners in carrying out the Online Mark Registration through the DJKI website.



Picture 13 and 14

Confirmation of Evidence to Partners And after that the partners thanked for all the processes and costs borne by the students and have also been given an explanation and procedures for how to register a Trademark Online through the DJKI Website

Conclusion

In this PkM, Nasi Bakar Maryam is a medium-sized business owned by the community that sells Nasi Bakar with several variants of the contents of Tongkol, Bilis, Shredded Chicken, Squid and Ati/Grizzard and with side dishes of Grilled/Fried Chicken, Fried/Roasted Duck and Eggs Omelet. and on this occasion the opportunity to provide assistance to the partner owner of Nasi Bakar Maryam, namely Mrs. Nur'aeni to register the Mark or Logo used in her business who is still confused and still does not understand in carrying out clear legal protection for the Mark or Logo she owns. With this PkM, Partners understand and are helped in carrying out the Mark Registration.

Daftar Pustaka

Haryono, M (2012), Perlindungan Hukum Terhadap Merek Terdaftar, Universitas PGRI Semarang. *Jurnal Ilmiah CIVIS. II*

Miru, Ahmadi. (2005). Hukum Merek : Cara Mudah Mempelajari Undang-Undang Merek, Jakarta : PT.Raja Grafindo Persada.5.

Nurrachmad, M(2011). Segala tentang HAKI Indonesia, Bantul: BukuBiru.10

Nur, H(2011). Perlindungan Hukum Pada Merek Yang Terdaftar. Politeknik.Negeri.Semarang. Ragam Jurnal Pengembangan Humaniora. 11(3) 180.

Fahmi Anugraha(2020). Perlindungan Hukum bagi Pemegang Hak Merek dikaitkan dengan Prinsip Itikad Baik dalam Proses Pendaftaran Merek, Magister Ilmu Hukum Universitas Muhammadiyah Sumatera Utara. Kota Medan . (6-9)

F.Yudhi Priyo Amboro(2019). Problematika Pendaftaran Merek Untuk Usaha Miro, Kecil dan Menengah di Kota Batam. Journal of Judicial Review. Kota Batam (4-7)

Peraturan Perundang –Undangan

Undang-Undang, (2016),”Nomor 20 Tahun 2016 Tentang Merek dan Indikasi Geografis”, Jakarta