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ASSISTANCE FOR REGISTRATION BRAND OF LAUNDRY COST AS PROTECTION EFFORT ON INTELLECTUAL PROPERTY

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Abstract

In making a brand, it must have a different characteristic from the other so the product that listed will be easier to recognize. From the results of observation, that LAUNDRY COST is one of the Micro, Small and Medium Enterprises (MSME) in Tanjungpinang city that haven't registered the brand. So this community services (PkM) is for provide a legal protection of brand rights from the country for the applicant. There are 3 method for this implementation, such as: pre implementation, implementation stage, and the last stage is evaluation. The result of this community services (PkM) is that business owner know about the risk of not registering the brand and the importance of brand protection. MSME actors also get a receipt for the registration brand of LAUNDRY COST from DJKI website.

Keywords: *Brand Rights Protection, Intellectual Property Rights, Brand Registration Assistance.*

Introduction

In the era of globalization of trade, the role in this brand is very important for business competition to protect UMKM, industry, consumers, and get legal justice and healthy business competition (Amboro, 2019). Thus the need for an education on the importance of protecting rights in the Intellectual Property of brands that has been regulated in Article 1 number 1 of the Brand Law & Geographical Indication, which states that "The brand is a sign that can be displayed graphically in the form of images, logos, names, words, letters, numbers, color arrangements, in the form of 2 (two) dimensions and / or 3 (three) dimensions, sounds, holograms, or a combination of two or more such elements to distinguish goods and/or services produced by persons or legal entities in the trading activities of goods and/or services." Brand is intellectual property that has a very important role to be able to distinguish products / services traded (Semaun, 2016). With it, the brand will be better known or known by the public. So that the brand can increase the potential of consumer confidence in the quality assurance of its services (Disemadi & Mustamin, 2020; Balqis, 2021). The rise of plagiarism of a brand in Indonesia due to the lack of insight from the lay public is looking at the basic

legal consequences of protection of registered brands, where the expansion / development of business competitors is increasingly rapid. So that there can be piracy of a brand from another competitor and does not guarantee a clear legal force. The right to the brand is a special trait granted by the state through the registration mechanism so the owner is required to register the brand, in order to get protection and recognition from the state (Sujatmiko, 2011). The brand itself aims to improve the service brand and smoothness by promoting its service brand to the community (Hidayati, 2011; Al-Fatih, 2021). A brand can be interpreted as an identifier that distinguishes one's property from someone else's. So the brand is an identifier of a product that can be used to distinguish between goods or services from one another, where intellectual property needs to be protected (Harsono, 1990). But in reality there is very low insight into the importance of brand protection that can affect UMKM business. UMKM are still pioneering businesses, due to the negligence of business owners in registering a brand, will result in being claimed by other competitors for the registration of the same brand for their goods / services. So that the business owner will lose the right to use his own brand. In the present that is again rampant *Covid-19* certainly makes many people more concerned and pay attention to the cleanliness cycle, one of which includes clothing as well, which in this case makes consumers have to take advantage of this time and opportunity for laundry business, especially *LAUNDRY COST* as a moment to further promote *laundry* services to the community (who will be consumers of laundry) because in using *laundry* services. It can provide the effectiveness of time that has followed up to kill germs on clothing and comfort obtained. As we often know, that a place of laundry business services that are the standard of UMKM that certainly all have their own brand logo or brand business, which is where the brand can be an attraction / attention and specialty for the brand itself. In the business of partner *laundry* services there is a uniqueness for consumers who are surprised by attractive promos, and clothes in the *laundry* can choose various variants of perfumes that are fragrant, neat, clothes not mixed with other consumers, and the *laundry* applies using all through sophisticated applications. However, if the brand owned by the partner itself has registered its business brand so that the same brand / taken by the party who does not have responsibility then it does not become an obstacle to the partner's *laundry* service business opportunity, because the same brand / taken by the other party has not received legal protection, which is meant by legal protection here that the other party's brand has not registered its business brand to DJKI.

From the above problems, there is a business called *LAUNDRY COST* that has just inaugurated the opening of its business and still has not registered its service brand. Therefore, there needs to be assistance and the owner agrees to the agreement at the time of observation and interview to register his business brand to DJKI which this can make it easier for partners to register their brands and the brand cannot be taken / same by competitors. How it also has a positive legal impact on the brand owned by the partner with the main purpose is to protect the brand rights owned by the partner so as not to be plagiarism by parties who have violated the law and are not responsible for their actions. The problem faced by partners lies in the aspect of legal protection efforts against their service brands.

As the partner still has not done the registration of the partner's service brand to DJKI. Over time it can result in claims by other competitors for the brand and the absence of legal protection provided by the state.



Picture 1.
Logo *LAUNDRY COST*



Picture 2.
Observations and Meetings with
LAUNDRY COST Business Owners

Methods

In the implementation of this PKM activity the methods used by Primary Data include; conducting observations and interviews directly with UMKM *LAUNDRY COST* business owners, as this observation by visiting the UMKM *LAUNDRY COST* business premises located in Tanjung Pinang City and conducting question sessions to complete the results of PKM activities and ask permission for some data needed in the service brand registration process at DJKI. In the preparation of this PKM report supported by Secondary Data, which includes; Laws and Regulations and Bibliography. In addition, the method used for the implementation of PKM activities is in the form of advocacy methods that aim to assist in the registration of service brands online through the website on DJKI. The stage of implementation of PKM activities is the preparation / pre- the implementation carried out in advance of legal problems experienced by UMKM in Tanjung Pinang City. Then, the result of the observations made is to conduct a search for UMKM to carry out this PKM activity. Ask permission to UMKM and make an application to register their service brand as one of the requirements in carrying out the implementation of this PKM activity. After obtaining approval from UMKM selected by guidance lecturers, kaprodi, and the manager. In the implementation of this PKM activity is executed directly to the partner's business

location, *LAUDRY COST* located on Jalan Gatot Subroto No.103, Kampung Bulang Village, Tanjung Pinang Timur District, Tanjung Pinang City, Riau Islands Province, 29123. Then in the implementation of this PKM activity is carried out for 4 (four) months starting from September 2021 to December 2021.

Result and Discussion

Legal Protection of Registered Brands

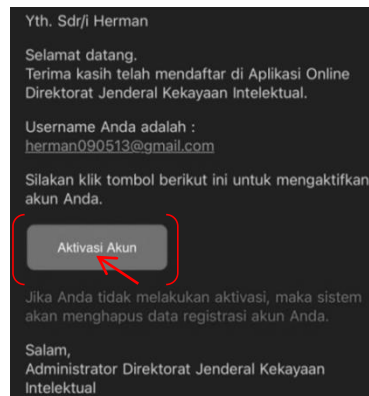
To obtain protection, the brand owner must register his brand with DJKI. Then, the brand owner will get the rights to the brand (Firmansyah, 2011). Which has been set out in Article 1 number 5 of the Brand Law & Geographical Indication, which states that "The right to the Mark is the exclusive right granted by the state to the registered owner of the Mark for a period of time by using the Mark itself or giving permission to the other party to use it." As the protection of the brand will better guarantee the protection of rights and have clear legal force, if there is a violation by the competitor of the brand owner can take a lawsuit to court. So that there will be the realization of community justice from the protection of the brand (Haryono, 2012). In terms of aspects to get legal protection only brand owners who have good faith and be honest in the use of the brand. Where there are no similar elements that mislead the brand and its design. Although the brand owner already has proof of certificate as ownership of his brand, but the brand owner does not have good or bad faith (as intended not used in accordance with the provisions applicable to the Brand Law & Geographical Indication) then cancellation and removal of the brand from the owner can be done. Therefore, the Brand Law & Geographical Indication maintains a well-known brand if there is an identical dispute application it must be rejected if:

- a. Has a lot in common with other people's brands that have been registered;
- b. Have common similarities with well-known brands belonging to other parties; (Santoso, 2016).

In addition, the brand has a period of 10 (ten) years from the date of receipt of a brand registration and can be extended again after the next 10 years, where the renewal process is carried out 6 months before the expiration of the validity period. If the brand renews after a period of 10 years, a fine will be imposed.

Assistance of Service Brand Registration Procedure *online* on DJKI website

At the implementation stage of this PKM activity to business owners to assist in brand registration, starting with observations and interviews with UMKM *LAUDRY COST* owners to obtain the necessary data including; ID Card, *e-mail*, signature, brand label, as well as UKM Recommendation Letter or Certificate of UKM Built By Official as a condition of brand registration in DJKI. *LAUDRY COST* service brand registration is done *online* through the DJKI website. The purpose of the interview is to provide information about creating or registering an account prior to registration. As the implementation progresses, first to spread the account on the merek.dgip.go.id website. then in the next stage of activating the account on the e-mail sent by permohonan.online@dgip.go.id.



Picture 3.

Account Activation e-mail

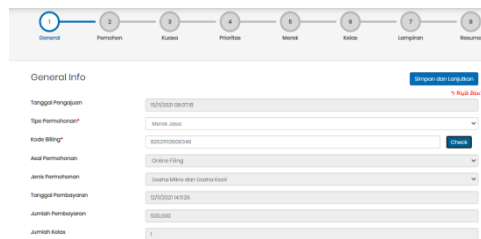
The brand registration application must place an order of the billing code after which it makes payment based on the pay warrant to register the brand. The method used for payment is done by way of transfer using Mobile Banking or ATM. For the registration fee to be paid by the applicant there is a difference, both for public and UMKM applications and in accordance with the number of classes to be registered. As if the application is an UMKM then the price is increased by Rp. 500,000, - per class. Meanwhile, the general application then the price is increased by Rp. 1,800,000, - per class. In this PKM implementation activity, laundry cost service brand registration is in class 37.



Picture 4.

Billing Payment Warrant (already paid)

After making payment to the application fee, in the initial stage is to fill out the form data that has been available on the DJKI website by filling out 8 (eight) tabs.



Picture 5.

Brand Registration Application Page

Can be seen at the initial appearance of the brand registration application there are 8 (eight) stages including; general info, applicant, power of attorney, priorities, brands, classes, attachments, and resumes. If the applicant does not use power and priority then the power page and priority page can be skip. In filling out the applicant's form data must pay attention to several important things, namely as follows:

1. The applicant's identity must be correct or in accordance with the ID card
2. The label of the brand to be registered does not conflict with other brands or there is an element of sara
3. The applicant's e-mail must be active or frequently used
4. Sign the applicant electronically for registration
5. UKM Recommendation Letter or Certificate of UKM Built By The Office for UMKM application requirements
6. The applicant must login on the website Merek.dgip.go.id to fill in the data in accordance with the required documents, after confirming that it already has a billing code it will appear 8 (eight) stages in the brand registration application.
7. Then, the applicant fills in the data as appeared on 8 (eight) tabs, after everything has been filled then the applicant must re-examine the data that has been filled in on the resume tab whether it has been filled properly.
8. If it is felt that all the data has been filled in correctly, then click "Yes", after which the applicant can receive the brand acceptance mark and affidavit.
9. The application that has been received by DJKI will be followed up by the formality examination stage, if the equalization is complete it will be continued again with the announcement stage.

FORMULIR PERMOHONAN PENDAFTARAN MEREK INDONESIA APPLICATION FORM OF INDOONESIAN TRADEMARK REGISTRATION			
Data Permohonan (Application)			
Nomor Transaksi Number of Transaction	IFT021163004	Aksi Permohonan Office of Origin	Online Filing
Nomor Permohonan Number of Application	20220701713	Tipe Permohonan Type of Application	Merek Jasa
Tanggal Permohonan Receipt Date	2022-11-15 08:56:32	Jenis Permohonan Sub Type of Application	Usaha Mikro dan Usaha Kecil
Data Merek (Description of Mark)			
Tipe Merek Type of Mark	Merek Kata dan Lukisan	Eksklusif Gambar/Label Merek Image of Mark	
Nama Merek Name of Mark	LAUNDRY COST		
Deskripsi Description	WASH & DRY + LAUNDRY COST + EST. 2021 + Logo + Suku Penanaman		
Warna Colors	Biru dan Putih		
Terjemahan Translation	Tidak Ada Terjemahan		

Picture 6.
Brand Acceptance Mark



Picture 7.
Proof of SOP



Picture 8.
Evaluation and Presentation
of Reports

Meanwhile, there are advantages and disadvantages in the implementation of this PKM activity. The first advantage, it obtains a registration process where there is no need to come to the DJKI office. So that it can streamline the time and cost of transportation to register. The second advantage, in the registration procedure can be done online through the DJKI website easily. For the first drawback, in the online brand registration procedure is difficult for ordinary people who do not have insight and do not understand the procedures for using technology, where they must use assistance that has understood the procedure. The second disadvantage, very long time it takes to get the imposition of a certificate of rights to the brand. Because the inspection of a brand requires recording the issuance of certificates on brands takes approximately 1 (one) year.

Conclusions

The target to be achieved in the implementation of PKM activities to UMKM LAUNDRY COST is to get a receipt of the service brand registration application. As well as succeeding in achieving this activity, which begins with observation and interview so as to get proof of receipt of the service brand registration application. In the implementation of the brand registration application provides a positive impact and benefit to UMKM LAUNDRY COST for the guarantee of

legal protection and legal power of the state against the brand that has been registered and becomes a weapon to face a lawsuit to the court authorized for the wrong brand to be used. The existence of such protections the state is obliged to enforce brand law then the rightful brand owner is protected by his rights.

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