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COFFEE BREWERS' COLLECTING POINT BRAND REGISTRATION ASSISTANCE IN EFFORTS TO PROTECT INTELLECTUAL PROPERTY RIGHTS

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Abstract

In the world of trade, brands as a form of intellectual property rights have been used hundreds of years ago and have an important role because brands are used to distinguish the origin of goods and services. Brands are also used in the world of advertising and marketing because the public often associates an image, quality and reputation of goods and services with certain brands. A brand can be a very valuable asset commercially and often it is the brand that makes a product expensive or even more valuable than the company. The purpose of this study is to analyze the legal protection assistance for trademark registration on the product of the Point of Gathering Coffee Brewers in the city of Batam. The method used puts forward normative legal research with a prescriptive model. The collected legal materials will be studied comprehensively and analyzed deductively with a systematic presentation.

Keywords: Mentoring, Brand, Intellectual Property Rights.

Introduction

Globalization has resulted in different perspectives on society in the social, economic, and cultural fields. This effect, together with the impact of technology as a consequence of industrial growth, makes people's economies more developed. The introduction of business through electronic media (*e-commerce*) is one example of change. Naturally, as a result of the progress of the world of trade, competition between corporate actors to persuade consumers to buy goods is increasing. Naturally, manufacturers have to make or sell high-quality and affordable goods to attract customers. Therefore, we need a way to distinguish one product from another, which is generally called a brand. A brand is an additional identity for a product that not only distinguishes it from competitors, but also functions as a promise from the manufacturer or a contract of trust between producers and consumers, ensuring that a product will always be able to provide the value that consumers expect from a product (Mellyana & Sofyan, 2011).). Brands affect the tendency of consumers to buy something because the brand is considered to be related to product quality. Brands serve as indicators of reputation, quality and standards for buyers. Rules that regulate the Mark are needed, starting

from the rights obtained, how to obtain these rights, and penalties, among others. In Indonesia, brand regulations are regulated in Law Number 20 of 2016. A brand is a symbol used to distinguish products and/or services that are shown in the form of images, logos, and other forms. By registering, you may receive the right to use the mark. UU no. 20/2016 applies a constitutive system, meaning that trademark rights are guaranteed by registration. The existence of the principle *first-to-file*, which stipulates that the person who registers the mark first has the right to the mark. Applications for registration of trademark rights are submitted to the Directorate General of Intellectual Property. Registering a Mark provides protection to it. Brand protection is very important, because the brand serves as an identifier, shows the origin of products and services, and builds a relationship between goods and services and their maker (Sandjojo, 2015). To prevent such abuse from happening, trademark registration is a solution. Registered trademarks grant unique rights to their owners. This unique right is a monopoly right, meaning that other parties may not use the Mark without the consent of the owner. The legal protection provided by the state at the time of registering a mark is not limited to the brand owner, but also to customers who seek security, comfort, and certainty in obtaining the original mark and avoiding fraud to provide counterfeit products (Ma'sum, A. Endang, 2017). The purpose of granting these additional rights is to prevent other parties from abusing the Mark (Rusyidi & Ibnu, 2017). Certificates can be used to establish ownership of Mark rights and thereby obtain guarantees. The certificate of right to a Mark determines the registered person owns the Mark. Additionally, trademark certificates can be used to establish ownership in the event of litigation. Point of Gathering Coffee Brewers is a business that runs a business in the field of culinary tourism and is not a legal entity. The trademark of Titik Kumpul Coffee Brewers has never been registered due to lack of knowledge about the procedure for registering a mark as regulated in Law no. 20/2016. Although never experienced any issues related to misuse of the Marks, the potential for future abuse by irresponsible individuals cannot be ruled out. After assessing the importance of trademark registration and avoiding future disputes over trademark abuse, the author turns to a topic related to trademark registration, entitled Registration Assistance for Coffee Brewers Gathering Points in Efforts to Protect Intellectual Property Rights at the Directorate General of Intellectual Property Rights. The purpose of this PKM activity is to register a trademark in the name of Titik Kumpul Coffee Brewers to the Directorate General of Intellectual Property Online, to obtain rights to the mark upon receipt of the date of receipt, and to obtain legal protection in the event of a dispute in the future.

Method

This PkM activity is an empirical or sociological legal study, namely field research or legal facts collected directly from the field. The author uses primary data as the main source of information and secondary data as complementary data. The author collects primary data through interviews and direct observation of

business owners. Observations and interviews were carried out by visiting the Coffee Brewers Gathering Point, business actors and asking for information needed to produce reports on Community Service Activities and information needed to apply for registration. Brand. Secondary data and secondary legal sources are also used to assist in the preparation of reports on Community Service Activities. The legal basis for reference is the Trademark and Geographical Indication Law no. 20/2016. Secondary legal sources consist of study findings; Scientific works can be in the form of journals, books, or other publications. Community Service Activities, namely Assistance in the Registration of the Gathering Point Mark *Coffee Brewers* to the Directorate General of Intellectual Property (DJKI).

Results and discussion

implementation of Community Service Activities, namely helping to register Marks, begins with conducting interviews with Mark owners to obtain information on several matters, such as name, address, place of birth date, cellphone number, e-mail address, digital signature, and the trademark logo. will be registered. Mark registration is carried out online, which means registering by visiting the official website of the Directorate General of Intellectual Property. The purpose of conducting the interview is to ask for information to create or register an account prior to registration. After registering an account, the next step is to activate the account so that the account can be used. To initiate the registration of the Mark, it is done by logging in to the website <https://brand.dgip.go.id/>. Application for trademark registration is made by ordering a billing code. Ordering this billing code is done by paying a Mark registration fee. Payment can be made by making a bank transfer or using Mobile Banking. The registration fee to be paid is based on the type of application, either MSME or in the form of a general application, and the number of classes to be registered. For the type of MSME, the price that must be registered is Rp. 500.000,- per class, and the general type is Rp. 1.800.000,- per class. In this case, the author performs a general type registration with a classification system of 43 brand classes, with the description that there are 8 (eight) stages to register a trademark, starting with General, Applicant, Power of Attorney, Priority, Mark, Class, Attachment, and Resume. The steps that do not need to be carried out are in the Authorization section, because in registering a Mark, the author does not use a Power of Attorney. Several things need to be considered in registering this Mark, namely as follows: registration

1. Ensuring that the identity of the application for Mark is correct;
2. The Brand Etiquette to be used is in the form of a Service that offers food and beverages; temporary accommodation. After paying the application fee for trademark registration, the initial stage in carrying out registration can be carried out by selecting the type of mark, and the color element in the mark,
3. selecting the right brand class. The class to be selected is adjusted to the Mark to be registered, either a Trademark or a Service Mark, as well as the selection of the class category to be selected.
4. It is required to upload the digital signature of the applicant in the Attachment section. Can add other attachments if needed as additional evidence.

After all stages have been carried out, a final check is carried out on the data that has been filled in in the Resume section. If the data filled in are appropriate, then the Mark registration process has been completed. Receipts and trademark registration statements can be accessed by downloading on the main page of the website. In carrying out this PkM Activity, there are advantages and disadvantages that can be felt. The advantage that can be felt is the registration process that does not need to visit the office of the Directorate General of Intellectual Property. This of course saves time and also the travel costs needed to register. Another advantage that can be felt is in carrying out the registration process, which is done digitally, which is of course very easy to do. However, the weakness that can be felt is that the online trademark registration process becomes difficult for people who do not understand or are unfamiliar with the use of technology, so they must be accompanied by people who understand using the media. Another drawback is that obtaining a trademark rights certificate takes a relatively long time. The process of examining a registered Mark until the issuance of a certificate of Right to Mark takes about 1 (one) year.

Conclusion

After assistance to the business actors of Titik Kumpul *Coffee Brewers* in the registration of Trademarks, Titik Kumpul *Coffee Brewers* has fulfilled the requirements to obtain exclusive rights to the Titik Trademark. Kumpul *Coffee Brewers* that have been registered as stated in Article 3 of the Trademark Law and GI. The term of protection for the Titik Kumpul Trademark *Coffee Brewers* lasts 1 decade from the time it was inaugurated and can be extended at a later date. Thus, there is a guarantee of protection and legal certainty for the Titik Kumpul Trademark *Coffee Brewers*.

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