

Education of Public Understanding of The Importance of Product Brand Registration of Ohoi-Owned Business Entity Partner Business Groups

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Abstract

Introduction: This study examines the effectiveness of educational programs on the importance of trademark registration for partner business groups of Ohoi-Owned Enterprises in Ohoi Rat, Kei Kecil Timur District, Southeast Maluku Regency.

Purposes of The Devotion: This educational program aims to increase public understanding of intellectual property rights protection, especially in terms of product brand registration.

Method of The Devotion: The methods used include counseling, focus group discussions, brand registration simulations, and individual consultations.

Results Main Findings of The Devotion: The results of pre- and post-education surveys show a significant increase in public understanding of the benefits and procedures of brand registration. As many as 75% of respondents understand the importance of brand registration after the program, an increase of 60% from before. Several obstacles were identified, such as high registration fees and complex procedures. Policy recommendations include providing incentives, simplifying procedures, and improving access to information. This program is expected to contribute to the improvement of the village economy through Brand protection for Micro and Small Enterprises.

Keywords: Understanding Enhancement Education; Legal Protection; Trademark Registration.

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INTRODUCTION

Commercial products have a relationship with Intellectual Property Rights (IPR), especially Brands, this is related to consumers in distinguishing a product from aspects of quality, product originality and labeling, so it requires a brand as the identity of the product, from this explanation the trade product has a relationship with the Brand because it is related to the identity of a product. A Business Group is a collection of business actors formed based on common interests, environmental conditions (social, economic, resource, place) and/or familiarity to improve and develop the business of members.¹ Business groups that are Micro, Small and Medium Enterprises (MSMEs) MSMEs as businesses or businesses carried out by individuals, groups, small business entities, and households, have an important role in national economic actors in the development of the nation's economy.

¹ Paralegal.id, "Kelompok Usaha," <https://paralegal.id>, 2022, <https://paralegal.id/pengertian/kelompok-usaha/>.

IPR protection, especially the Brand for MSME businesses, plays an important role in the era of globalization. Protection efforts can be carried out by submitting registration for MSME products that are eligible to be given a Trademark so that as a consequence, the government / State will provide protection. The benefits of brand protection for MSME products include increasing added value for products and entrepreneurs, including the acquisition of privileges held by MSMEs. Increasing public awareness of Brands in MSMEs needs to be pursued continuously in order to create MSME products that are able to compete in the free market and face the Asean Economic Community.²

Andrew B and Prisca OS stated that MSMEs as a small-scale industry still consider that intellectual property protection is not important. This is evidenced by the lack of registration of MSME Brands at the Directorate General of Intellectual Property. Statistical data on registration of the Directorate General of IP shows that during the period 2016-April 2018 the registration of Non-MSME Brands dominated by 91.45% while for MSME brands it was only 8.55%.⁶ In fact, according to the view of World Intellectual Property Rights (WIPO), MSMEs have a lot of potential for the growth and development of innovation and creativity in products. However, unfortunately, the awareness of MSME entrepreneurs on the importance of utilizing Intellectual Property Rights, especially Brands, to support their business activities is still low.³ The development of MSMEs in Indonesia today leads to sectors that have not received much competition. The most prominent sector is the rural sector, this sector still has many opportunities to develop and still has a positive impact on the economy if it is indeed able to be optimized in accordance with existing laws and regulations.

Based on village development in Article 78 of Law Number 6 of 2014 concerning Villages, it is explained that village development aims to improve the welfare of village communities and the quality of human life and poverty alleviation through: 1) providing the fulfillment of basic needs; 2) the development of village facilities and infrastructure; 3) development of local economic potential; and 4) sustainable use of natural resources and the environment. The government to realize this, allocates funds of approximately 1.4 billion per village every year to realize this goal. The fund will later become a stimulus for villages to progress and develop, so that they can be independent and prosperous. Government programs to support the optimization of the rural sector by launching a procurement program and the establishment of Village-Owned Enterprises. As a business entity that is focused and plays an important role in empowering village communities, it is hoped that Village-Owned Enterprises can be clearly optimized. Village-Owned Enterprises in Southeast Maluku Regency are named BUMO (Ohoi-Owned Enterprises) in accordance with the local wisdom of the Customary Law Community in Southeast Maluku by calling the Village as Ohoi in the Regional Language.

Ohoi-Owned Business Entities (hereinafter abbreviated as BUMO) as a business entity, all or most of its capital is owned by the Village through direct participation derived from the Village's wealth, the development of BUMO is a form of strengthening the Village economic institutions and is a tool for the utilization of the local economy with various types

² Asti Wulan Adaninggar, Hendro Saptono, and Kholis Roisah, "Perlindungan Produk Usaha Mikro Kecil Dan Menengah Terkait Hak Kekayaan Intelektual Dalam Menghadapi Masyarakat Ekonomi Asean," *Diponegoro Law Journal* 5, no. 3 (2016): 1-11, <https://ejournal3.undip.ac.id/index.php/dlr/article/view/12061>.

³ Andrew Betlehn and Prisca Oktaviani Samosir, "Upaya Perlindungan Hukum Terhadap Merek Industri UMKM Di Indonesia," *Jurnal Law and Justice* 3, no. 1 (2018): 3-11, <https://doi.org/10.23917/laj.v3i1.6080>.

of potentials in the Village. BUMO is the Empowerment Teacher to realize the acceleration of community empowerment in accordance with the current government's mission *fisi*.⁴

Ohoi Rat in Kei Kecil Timur District, Southeast Maluku Regency is one of the Ohoi that has run the wheels of the economy, namely through the formation of BUMO and has been running until now. BUMO Ohoi Rat empowers and provides funding to business groups as partners to do business in the form of making local ingredient products processed as food products such as Fried Snacks, Snack Snacks, Bottle Nuts and others, as well as various services and sales to facilitate community activities. However, there is no legality of the product in this case Brand protection. This problem is also inseparable from the limited understanding of the importance of brand protection in a trade business product.

METHOD OF THE DEVOTION

This community service is carried out with a participatory and collaborative approach, directly involving BUMO's partner business group in Ohoi Rat in Kei Kecil Timur District, Southeast Maluku Regency. The methodology used includes several stages: 1) Preparation Stage: This stage includes the identification of BUMDes partner business groups that will be the target of education, the preparation of educational materials that are tailored to the needs and level of understanding of the community, as well as coordination with related parties, such as BUMO and the Ohoi Government; 2) Education Implementation Stage: Education is carried out through several methods, namely: a) Counseling: Delivery of educational materials directly to BUMO partner business groups through seminars or workshops. The material includes the definition of a trademark, the benefits of trademark registration, trademark registration procedures and requirements, as well as legal sanctions for trademark infringement; b) Focused Group Discussions: Used to explore the understanding and problems faced by BUMO partner business groups related to brand registration. The results of the Group Discussion are used to improve educational materials and subsequent service strategies; c) Trademark Registration Practice/Simulation: Participants are given the opportunity to practice the trademark registration process directly with the guidance of resource persons who are experts in the field of IPR; d) Counseling/Consulting: Providing opportunities for participants to consult individually with resource persons regarding specific problems faced in the brand registration process. 3) Evaluation Stage: Evaluation is carried out through several methods, namely: a) Questionnaire: Provided to participants before and after educational activities to measure their increased understanding of the importance of brand registration; b) Observation: Direct observation of the participation and enthusiasm of participants during educational activities; c) Documentation: Data collection in the form of photos and videos during educational activities as evidence of the implementation of activities. 4) Reporting Stage: The results of this community service will be reported in the form of a written report containing a description of the activity, data and findings, as well as recommendations given.

RESULTS AND DISCUSSION

A. The Importance of Trademark Registration for Micro, Small and Medium Enterprises

⁴ Bumomalra.com, "Tentang Bumo," <https://bumomalra.com/>, 2017, <https://bumomalra.com/tentang-bumo>.

Brands must have sufficient distinguishing power (*capable of distinguishing*), meaning they have the power to distinguish goods or services from other companies. In order to have a distinguishing power, the brand must be able to provide *individualization* to the goods or services in question. Trademarks can be included on goods, or on the packaging of goods, or listed on certain matters related to the service.⁵

The implementation of community service in the form of a workshop on assisting electronic trademark registration applications for MSMEs in Tanjungpinang City provides knowledge and understanding to actors to be able to apply for trademark registration independently or through the Tanjungpinang City Intellectual Property Center. The importance of brands in trade activities of goods and/or services, so that business actors can distinguish their respective products, so that it will be a distinctive sign if the products they have are widely known in the community based on the characteristics of their brand.

This is as stated according to Abdulkadir Muhammad, that the function of the brand is as: a) Identification to distinguish one company's product from another company's product (product identity). This function also connects goods or services with their producers as a guarantee of the reputation of their business results when traded; b) Means of trade promotion. The promotion is carried out through advertisements of producers or entrepreneurs who trade goods or services. A brand is one of the goodwill to attract consumers, is a symbol of entrepreneurship to expand the market of its products or merchandise; c) Guarantee of the quality of goods or services (quality guarantee). This not only benefits the Brand Owner's producer, but also the protection of quality assurance of goods or services for consumers; d) Indication of the origin of the goods or services produced. A trademark is an identification mark of the origin of goods or services that connects goods or services with manufacturers, or between goods or services and their region/country of origin.⁶

Trademarks in the world of trade as a form of intellectual property rights have been used for hundreds of years and have an important role because trademarks are used to distinguish the origins of products, goods and services. Brands are also used in the world of advertising and marketing because people often associate an image, quality and reputation of goods and services with a certain brand. A brand can be a very valuable asset commercially and often the existence of a brand makes the price of a product expensive and more valuable.⁷

Trademarks will also be useful when this trademark can be used economically by other parties who are not the owners of the rights to the trademark. This is done by granting a license to the trademark to another party based on an agreement. This is as stipulated in Article 1 number 18 of Law Number 20 of 2016 Trademarks and Geographical Indications, License is a permit granted by the owner of a registered Trademark to another party based on an agreement.

The Trademark and Geographical Indications Act gives the right to the owner of the rights to the trademark to be able to transfer the rights to his trademark by way of a license and to the licensee to grant the license again to another party⁸, There are examples of well-

⁵ Abdulkadir Muhammad, *Kajian Hukum Ekonomi Hak Kekayaan Intelektual* (Bandung: Citra Aditya Bakti, 2007).

⁶ Muhammad, *Ibid.*

⁷ Jisia Mamahit, "Perlindungan Hukum Atas Merek Dalam Perdagangan Barang Dan Jasa," *Lex Privatum* 1, no. 3 (2013): 90-100, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/3040>.

⁸ Abdulkadir Muhammad, *Hukum Perusahaan Indonesia* (Bandung: Citra Aditya Bakti, 2010).

known brands that have been licensed by the owner of the trademark rights to other parties, for example in franchise business activities. Trademarks used by other parties other than the owner of the rights to the trademark do not lose their rights to the trademark, he also has the right to use the trademark that he has. This trademark license, the Trademark Law and Geographical Indications stipulate that the granting of trademark licenses must be in the form of a deed of agreement whose term does not exceed the term of protection of the trademark in question.⁹ An example of well-known brands that have been licensed in various countries including Indonesia is fast food "KFC". KFC is licensed to entrepreneurs in Indonesia and then licensed by the licensee in Indonesia to business actors in various regions in Indonesia.

Another example is the "Disney" brand which is widely used as a brand by other parties in selling merchandise (souvenirs) themed with Disney cartoons such as Mickey Mouse, Donald Duck, Frozen, and many more famous animated characters that are used as brand icons selling products in various countries¹⁰. In addition, trademark registration can also avoid unfair business competition in terms of the use of the brand by other parties who do not have good faith because there are parties who carry out business activities in ways that are dishonest/unfair competition.¹¹

The dishonest trade practice can be in various forms, such as: 1) Trademark Imitation Practice: The entrepreneur with bad faith in the case of this kind of dishonest competition takes the form of using efforts or efforts to use the trademark by imitating an existing well-known trade mark so that the trademark of the goods or services produced by him is the same as the production of the well-known goods or services; 2) Trademark Counterfeiting Practices: Unfair competition is carried out by entrepreneurs who do not have good faith by producing goods using trademarks that are widely known in society that are not their right. For example, an entrepreneur who is shopping abroad buys Cartier products, then returns to Indonesia to produce bags, wallets branded with Cartier, then entrepreneurs certainly hope to make big profits without spending money to introduce the brand to the public; 3) Acts That Can Confuse the Public Regarding the Nature and Origin of the Brand: Included in dishonest competition if the entrepreneur includes information about the nature and origin of the goods that are not real, to deceive consumers, as if the goods are of good quality because they come from a quality goods producing area, for example, providing information made in England, even though it is not true that the product comes from the UK.¹²

This community service activity provides understanding to business actors about the legal basis of trademarks, so that micro, small and medium enterprises have awareness of the importance of a trademark. In addition, this service activity also provides virtual assistance on the procedures for submitting trademark registration applications electronically.

B. Proses Brand Registration Online

Community service activities carried out by the Seminar/Workshop method in Ohoi Rat, Kei Kecil Timur District, Southeast Maluku Regency were held in order to provide

⁹ Ridwan Khairandy, *Pokok-Pokok Hukum Dagang Indonesia* (Yogyakarta: FH UII Press, 2013).

¹⁰ Insan Budi Maulana, *Pengantar (Akta) Perjanjian Hak Kekayaan Intelektual Untuk Notaris Dan Konsultan HKI* (Bandung: Citra Aditya Bakti, 2021).

¹¹ OK. Saidin, *Aspek Hukum Hak Kekayaan Intelektual (Intellectual Property Rights)* (Jakarta: Raja Grafindo Persada, 2019).

¹² Saidin, *Ibid.*

information about trademark registration procedures that can be carried out independently by the community, especially Micro, Small and Medium Enterprises through the dgip.go.id page. Article 1 number 8 of Law Number 20 of 2016 Trademarks and Geographical Indications, Application is a request for registration of Trademarks or registration of Geographical Indications submitted to the Minister. Article 1 number 9 of Law Number 20 of 2016 Trademarks and Geographical Indications, the Applicant is the party who submits the Application for Trademark or Geographical Indication. This trademark registration application can only be registered on the basis of a request submitted by the owner of the trademark in good faith.

MSME actors to register trademarks¹³, must prepare the conditions as stipulated in Article 4 Paragraph (1), (2), (3), (4), (5), (6), (7), (8) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications. The requirements are as follows: 1) Application for Trademark registration is submitted by the Applicant or his Attorney to the Minister electronically or non-electronically in Indonesian; 2) The application as intended in paragraph (1) must include: a) the date, month, and year of the Application; b) the Applicant's full name, nationality, and address; c) the full name and address of the Authority if the Application is filed through the Authority; d) color if the Trademark applied for registration uses color elements; e) the name of the country and the date of the first Trademark request in the event that the Application is submitted with Priority Rights; and f) class of goods and/or class of services as well as description of the type of goods and/or type of service. 3) The application is signed by the Applicant or his/her Proxy; 4) The application as intended in paragraph (1) is attached with the Brand label and proof of payment of fees; 5) The Trademark Registration Application Fee is determined per class of goods and/or services; 6) In the case of the Trademark as intended in paragraph (4) in the form of a 3 (three) dimensional form, the Trademark label attached in the form of the characteristics of the Trademark; 7) In the case of the Trademark as intended in paragraph (4) in the form of sound, the attached Trademark label is in the form of notation and sound recording; 8) The application as intended in paragraph (1) must be attached with a statement of ownership of the Trademark for which registration is requested.

Article 5 paragraphs (1), (2), (3) and (4) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, in the event that the Application is submitted by more than one Applicant who is jointly entitled to the Trademark, all the names of the Applicant are listed by choosing one of the addresses as the Applicant's address. The application as intended in paragraph (1) is signed by one of the Applicants entitled to the Trademark by attaching the written consent of the Applicant who represents. The application as intended in paragraph (1) is one of the Applicant or more foreign nationals and foreign legal entities domiciled abroad must be submitted through the Power of Attorney, in the event that the Application as intended in paragraph (1) is submitted through the Power of Attorney, the power of attorney for it is signed by all parties entitled to the Trademark.

Article 6 paragraphs (1), (2), and (3) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, Applications for more than 1 (one) class of goods and/or services can be submitted in one Application. The application as intended in paragraph (1) must state the type of goods and/or services that are included in the class for which

¹³ Sentosa Sembiring, *Commercial Law* (Bandung: Citra Aditya Bakti, 2008).

registration is requested. Further provisions regarding the class of goods and/or services as intended in paragraph (1) are regulated by Ministerial Regulation.

Trademark Registration is technically regulated in the Regulation of the Minister of Law and Human Rights Number 67 of 2016 concerning Trademark Registration, which basically contains a derivative of Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Broadly speaking, what must be prepared for Electronic Trademark Registration Application by MSME actors is: 1) Filling out the electronic application form; 2) Copy of Identity Card; 3) Copy of the Taxpayer's Principal Statement (Legal Entity); 4) Digital Signature; 5) Brand Label/Brand Name (Log Photo/Registered Name); 6) Color description on the brand; 7) Goods/Services Class; 8) Description of the registered product; 9) Proof of payment; 10) Statement Letter.

For MSMEs in addition to the above requirements, in order to be able to apply for trademark registration as MSME actors, they must first get a letter of recommendation from the relevant agencies in the region, for example in Tanjungpinang City, the relevant agencies in question are the Department of Industry and Trade, the Department of Tourism and Culture, the Office of Women's Empowerment, Child Protection and Community Empowerment, or the Department of Manpower, Cooperatives and Micro Enterprises.

Article 11 Paragraphs (1), (2), (3), and (4) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, after completing several requirements to submit an application for trademark registration electronically. If the application for trademark registration has been submitted by the Applicant. The Trademark Examiner will conduct an examination of the completeness of the trademark registration requirements in accordance with Article 4, Article 5, Article 6, Article 7, Article 9 and Article 10, in the event that there is a lack of completeness of the requirements, within a maximum period of thirty days from the date of receipt, the applicant is notified that the completeness of the requirements is fulfilled within a maximum period of two months from the date of submission of the notification letter to meet the completeness requirements, in the event of shortcomings regarding the completeness of the requirements as intended, the period of fulfillment of the shortcomings of the completeness of the requirements is a maximum of three months from the end of the period of submission of the Application using the Priority Right. In the event that the completeness of the requirements of the Application as referred to has not been fulfilled due to a natural disaster or compelling circumstances beyond human capabilities, the Applicant or his/her Attorney may submit a written application regarding the extension of the period of fulfillment of the completeness of the requirements.

Article 12 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, in the event that the completeness of the requirements is not fulfilled within the period as referred to in Article 11 paragraph (2), the Minister notifies the Applicant or his Attorney in writing that the Application is considered withdrawn. Article 13 Paragraphs (1) and (2) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, applications that have met the minimum requirements are given a Date of Receipt. The minimum requirements as intended in paragraph (1) consist of: a) a completed Application form; b) Brand Labels; c) Proof of payment of fees.

After submitting the application for registration, an Announcement of Application will be made. The Minister announces the Application in the Official Gazette of the Brand within a maximum period of fifteen days. Days from the Date of Receipt of the Application as

intended in Article 13. Article 14 Paragraphs (1), (2) and (3) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Article 14 Paragraph (1), (2) and (3) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, Announcement of Applications in the Official Gazette of Trademarks as intended in paragraph (1) lasts for two months. The Official Brand Gazette as intended in paragraph (2) is published periodically by the Minister through electronic and/or non-electronic means.

Article 15 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the announcement is made by stating: a) The name and address of the Applicant, including the Power of Attorney if the Application is submitted through a Power of Attorney; b) Class and type of goods and/or services; c) Date of Receipt; d) The name of the country and the date of first receipt of the application in the event that the application is submitted using the Priority Right; and e) Brand Labels, including information about the colors and if the Brand labels use foreign languages and/or letters other than Latin letters and/or numbers that are not commonly used in Indonesian, together with their translation into Indonesian, Latin letters or numbers commonly used in Indonesian, and how they are pronounced in Latin spelling.

Article 16 paragraphs (1), (2), and (3) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, at the time of the announcement, the public is given the opportunity to submit objections to the trademark that is being submitted in writing to the Minister on the application concerned. Objections as intended in paragraph (1) may be filed if there is sufficient reason accompanied by evidence that the Trademark for registration is a Trademark that cannot be registered or rejected under this Law. In the event of an objection as intended in paragraph (1), within a maximum of fourteen days from the date of receipt of the objection, a copy of the letter containing the objection shall be sent to the Applicant or his/her Attorney.

Article 17 Paragraphs (1) and (2) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the Applicant or his Attorney has the right to submit a rebuttal to the objection as referred to in Article 16 to the Minister. The rebuttal as intended in paragraph (1) shall be submitted in writing within a maximum of two months from the date of submission of a copy of the objection submitted by the Minister.

Article 21 paragraph (1) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, The application is rejected if the Trademark has similarities in principle or in its entirety with: a) Registered Trademark belonging to another party or applied for first by another party for similar goods and/or services; b) A well-known trademark belonging to another party for similar goods and/or services; c) A well-known trademark owned by another party for goods and/or services that are not of the same kind that meets certain requirements; or d) Registered Geographical Indication.

Article 21 paragraph (2) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the application is rejected if the Trademark: a) Is or resembles the name or abbreviation of the name of a famous person, photograph, or the name of a legal entity owned by another person, except with the written consent of the rightful person; b) Is an imitation or resemblance to the name or abbreviation of the name, flag, emblem or symbol or emblem of a country, or national or international institution, except with the written consent of the competent authority; or c) Is an imitation or resemblance to an official

mark or stamp or stamp used by the State or Government agency, except with the written consent of the competent authority.

Article 21 paragraph (3) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the application is rejected if it is submitted by the Applicant in bad faith. Article 22 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, for registered Trademarks that later become generic names, each person can submit a Trademark Application using the generic name in question with the addition of other words as long as there are distinguishing elements. After the announcement period has passed, a substantive examination will be carried out. Substantive examination is an examination conducted by the Examiner on the Trademark registration application. All objections and/or rebuttals as intended in Article 16 and Article 17 shall be considered in the substantive examination as intended in paragraph (1), in the event that there are no objections within a maximum period of 30 (thirty) days from the date of expiration of the announcement, a substantive examination of the Applicant will be carried out. Article 17 Paragraphs (1) and (2) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, In the event that there is an objection within a maximum period of 30 (thirty) days from the date of expiration of the deadline for submitting a rebuttal as intended in Article 17, a substantive examination of the Application will be carried out.

Article 23 Paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, Substantive examination as referred to in paragraphs (3) and paragraph (4) shall be completed within a maximum period of one hundred and fifty days. In the event that it is necessary to conduct substantive examinations, an expert Trademark Examiner may be appointed outside the Examiner. The results of the substantive examination conducted by the Trademark Examiner's expert outside the Examiner as referred to in paragraph (6), may be considered the same as the results of the substantive examination conducted by the Examiner, with the approval of the Minister. Further provisions regarding Trademark Examiner experts outside the Examiner as referred to in paragraph (6) are regulated by Ministerial Regulation, in the event that the Examiner decides that the Application can be registered, the Minister: a) Registers the Trademark; b) Notify the registration of the Trademark to the Applicant or his Attorney; c) Issue a Brand certificate; and d) Announcing the registration of the Trademark in the Official Gazette of the Brand, both electronic and non-electronic.

Article 24 paragraph (1), (2), (3), (4), (5), (6), (7), (8) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, in the event that the Inspector decides that the Application cannot be registered or rejected, the Minister shall notify in writing to the Applicant or his Attorney by stating the reason, within a maximum period of 30 (thirty) days from the Date of Submission of the notification letter as intended in paragraph (2), The Applicant or his Attorney may submit his response in writing by stating the reason, in the event that the Applicant or his Attorney does not submit a response as intended in paragraph (3), the Minister rejects the Application. The Applicant or his Attorney submits a response as intended in paragraph (3) and the Examiner decides that the response is acceptable, the Minister implements the provisions as intended in paragraph (1). The Applicant or his Attorney submits a response as intended in paragraph (3) and the Examiner decides that the response is not acceptable, the Minister rejects the Application. Refusal as intended in paragraph (4) and paragraph (6) shall be notified in writing to the Applicant or his/her Attorney by stating the reason, if there is an objection as intended in Article 16, the

Minister shall submit a copy of the registration or refusal notification letter to the party who submits the objection.

The Trademark Certificate is issued by the Minister from the time the Trademark is registered. The Trademark Certificate as intended in paragraph (1) contains: a) The full name and address of the registered Trademark owner; b) The full name and address of the Power of Attorney, in the case of an Application through the Power of Attorney; c) Date of Receipt; d) The name of the country and the date of first receipt of the application in the event that the application is submitted using the Priority Right; e) The registered Trademark label, including information on the various colors if the Trademark uses color elements, and if the Trademark uses a foreign language, letters other than Latin letters, and/or numbers that are not commonly used in Indonesian together with their translations in Indonesian, Latin letters and numbers commonly used in Indonesian and how they are pronounced in Latin spelling; f) Registration number and date; g) The class and type of goods and/or services for which the Trademark is registered; and h) the validity period of the registration of the Trademark.

Article 24 Paragraph (1), (2), (3) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, in the event that the Trademark certificate that has been issued is not taken by the owner of the Trademark or his Attorney within a maximum period of eighteen months from the date of issuance of the certificate, the Trademark that has been registered is considered to be withdrawn and abolished.

The stages of submitting an electronic registration application by MSME actors can be submitted on page merek.dgip.go.id. 1) Go to the <https://merek.dgip.go.id> Page: After registering an account on <https://merek.dgip.go.id> page, the Account activation will be sent via the email we registered.

Figure 1. Account Registration

Online Application Submitted After Having an Account on the merek.dgip.go.id Page

Figure 2. Electronic Application

Select Application Type (Trademark/Service)

Figure 3. Application Type

Select Application Type

Figure 4. Application Type

Select Item Class

Figure 5. Brand Class <http://skm.dgip.go.id/index.php/skm/detailkelas>

Booking Billing Code

Figure 6. simpaki.dgip.go.id

Make a Payment to BNI using the Billing Code

NAMA PEMOHON	<input type="text" value="Input Nama Pemohon"/>
ALAMAT PEMOHON	<input type="text" value="Input Alamat Pemohon"/>
	<input checked="" type="radio"/> Dalam Negeri <input type="radio"/> Luar Negeri
PROVINSI	<input type="text" value="-Pilih-"/>
KABUPATEN/KOTA	<input type="text" value="-Pilih-"/>
KECAMATAN	<input type="text" value="-Pilih-"/>
EMAIL PEMOHON	<input type="text" value="Input Email Pemohon"/>
NOMOR HP	<input type="text" value="Input Nomor HP/Telephone"/>

Tahap selanjutnya membayar ke Bank BNI untuk pemesanan nomor pembayaran sebesar **Rp.1.800.000,-**.

Pembayaran paling lambat 7 hari sejak pemesanan. Apabila anda setuju silahkan klik tombol SIMPAN untuk melanjutkan proses.

☐ Saya Telah membaca dan memahami syarat dan ketentuan diatas

Figure 7. Booking Billing Code

MSME Payments

NAMA PEMOHON	Jalan Sembur Nomor 6, Kelurahan Sei Jang
ALAMAT PEMOHON	Input Alamat Pemohon
	<input checked="" type="radio"/> Dalam Negeri <input type="radio"/> Luar Negeri
PROVINSI	KEPULAUAN RIAU
KABUPATEN/KOTA	KOTA TANJUNG PINANG
KECAMATAN	BUNUT BESTARI
EMAIL PEMOHON	mamran228@gmail.com
NOMOR HP	081248221535

Tahap selanjutnya membayar ke Bank BNI untuk pemenuhan nomor pembayaran sebesar **Rp 500.000,-**. Pembayaran paling lambat 7 hari sejak pemesanan. Apabila anda setuju silahkan klik tombol SIMPAN untuk melanjutkan proses

☒ Saya telah membaca dan memahami syarat dan ketentuan diatas

Figure 8. MSME Application Fee

Billing Code Sheet

Figure 9. Billing Code Sheet

[Back to Application Page](#)

[illegible]

Figure 10. Input the Payment Number on the Billing Code on the Application Page

Select Individual or Legal Entity: After the Payment Application Appears, Save and Select Submitted by Individual or Legal Entity

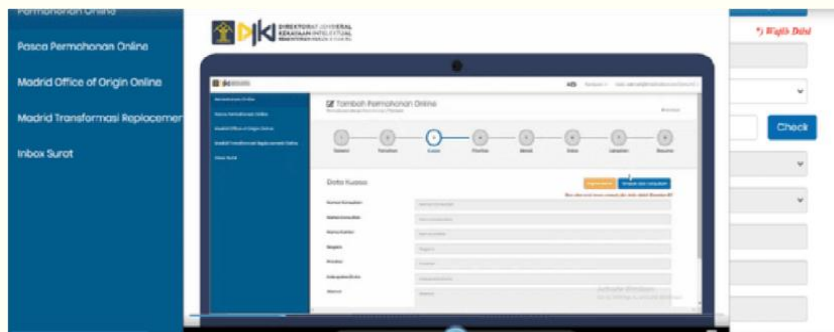


Figure 11. Select Individual/Legal Entity

Upload Logo/Brand: The registration of a trademark and/or service in Indonesia must pay attention to the trademark that has been registered, whether registered nationally or in other countries. For this reason, an applicant who wants to register a trademark and/or service must first check at WIPO Global Brand. To search for registered trademarks that already exist in Indonesia, you can access the <https://www3.wipo.int/branddb/id/en/> website. The purpose of this search is so that trademarks and/or services to be registered by business actors are not trademarks that have been registered with the Directorate General of the Ministry of Law and Human Rights. In addition, the Applicant should also check whether the trademark and/or service to be registered has similarities with the trademark that has been registered.

When filling out the trademark application form in some countries, the applicant must indicate the goods and/or services that the trademark wishes to register and group them into brand classes that refer to the existing trademark classification system. The trademark classification system allows the storage of data on registered brands in a very orderly manner, especially the types of goods and services. This makes it easy to obtain information from the brand's database. It is important to register the trademark owned on.¹⁴ Trademark registration assistance activities carried out at community service are carried out after socializing the registration procedures. This assistance is carried out by the implementation team by helping business actors design trademark shapes tailored to their products and by searching for trademarks that have been registered with the WIPO Global Brand Database through the <https://www3.wipo.int/branddb/id/en/> page.

Brand	Status	Reference	Origin	Number	App. Date	Image class	Image
MINI PIZZA + LOGO	Active	403	ID: ABCUL GHQ2	ID: 090219015747	2015-04-25	30	
LUFAS MADENA	Pending	24	ID: SAIFA GHQ2	ID: 090219048963	2015-10-12	18	
LUFAS	Active	24	ID: SAIFA GHQ2	ID: 090219035417	2015-05-29	18	
PORKON KUBRA	Pending	24	ID: JAMAL GHQ2	ID: 090209019129	2009-05-02	1	
LUFAS + LOGO	Active	24	ID: SAIFA GHQ2	ID: 090209027928	2005-11-21	18	

Figure 12. WIPO Global Brand Database Site

¹⁴ Industri Indonesia dan World Intellectual Property Organization Kamar Dagang, "Membuat Sebuhan Merek: Pengantar Merek Untuk Usaha Kecil Dan Menengah" (Jakarta: Kamar Dagang, Industri Indonesia dan WIPO, 2008), https://www.wipo.int/export/sites/www/sme/en/documents/guides/translation/making_a_mark_indo.pdf.

After checking the WIPO Global Brand Database page, if it has been confirmed that there is no similarity between the logo or trademark and the registered trademark belonging to another party, the applicant can upload the requested Brand Name.

Upload Brand Labels

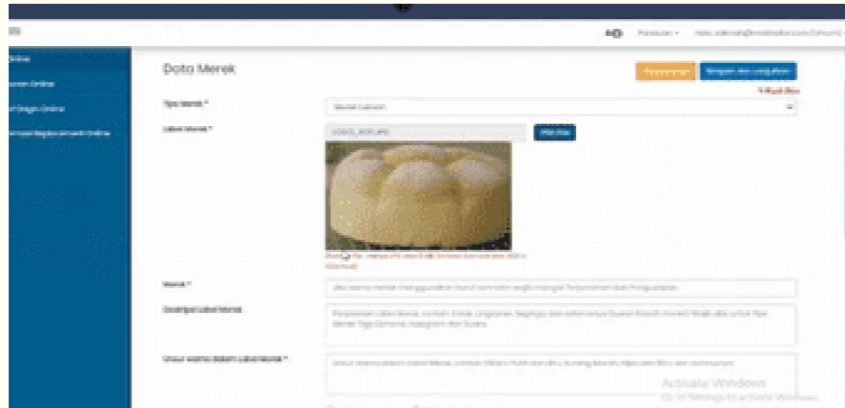


Figure 13. Upload the brand label. Source: dgip.go.id page

Save

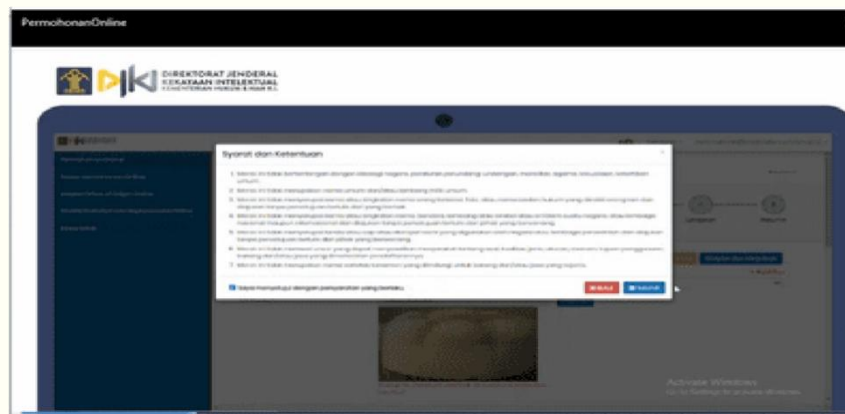


Figure 14. Application Form Storage

Attachment

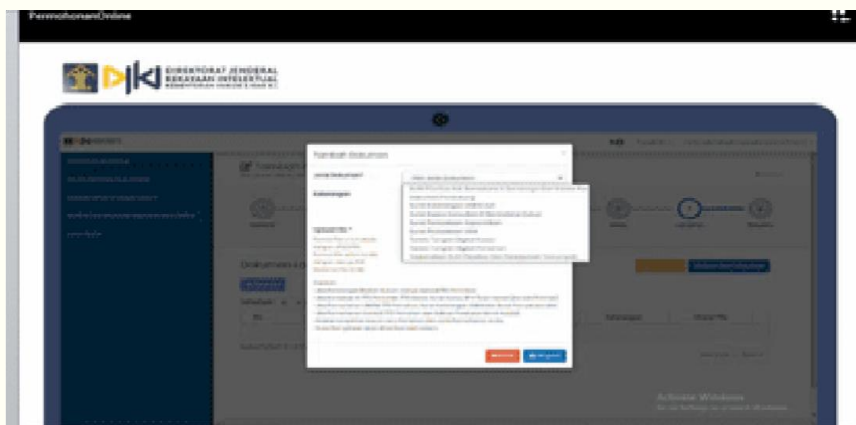


Figure 15. Upload Digital Signatures

Save, Print, Finish

Simulasi Online

DIREKTORAT JENDERAL KEKAMAN INTELEKTUAL REPUBLIK INDONESIA

Tambah Permisihan Online

Progress: 1. Identifikasi 2. Penetapan 3. Atribusi 4. Pengalihan 5. Revisi 6. Validasi 7. Pengesahan 8. Selesai

Keterangan Pengisian

Nomor Permisihan	01000000000000000000
Tanggal Pengajuan	2022-03-01 09:00:00
Jenis Bilang	01000000000000000000
Tipe Permisihan	Permohonan Pengalihan
Jenis Permisihan	Permohonan
Tanggal Penyelesaian	2022-03-01 09:00:00
Atribusi Permisihan	01000000000000000000
Tipe Revisi	Permohonan
Status	01000000000000000000

Anda adalah Admin
Silahkan login dengan akun Anda

Figure 16. Print Application Form

C. Implementation of Community Service in Ohoi Rat, Kei Kecil Timur District, Southeast Maluku Regency

The Community Service Program was carried out by the Team on Tuesday 18 to 19 October 2022 at Ohoi Rat, Kei Kecil Timur District, Southeast Maluku Regency. The activity was attended by Community Leaders and Religious Leaders, the Chairman of RT/RW, the Head of Ohoi Rat, and the business community and the farming community.



Figure 17. Provision of Service Materials by Resource Persons

After the material was delivered, participants enthusiastically submitted various questions. The majority of questions focus on the mechanism for obtaining trademark legality and the cost of taking care of it. In addition, several participants shared their experiences in their business activities related to their brands and solutions to problems they have experienced.



Figure 17. Community Service Participants



Figure 18. Community Service Participants

Participants enthusiastically participated in socialization activities from the beginning to the end of the event, especially during the discussion session. The discussion was interesting because there was a lot of interaction between the presenter and the participants around sharing experiences, problems, and questions and answers to deepen the material. The results of this community service show a significant increase in public understanding of the importance of product brand registration. Prior to the implementation of the education program, an initial survey conducted through a questionnaire to 50 BUMO partner business groups in Ohoi Rat, Kei Kecil Timur District, Southeast Maluku Regency showed quite worrying results. Only 15% of respondents (7 people) understand the benefits of trademark registration, and no one has registered their product brand yet. Most respondents (80%) admitted that they had never heard of or understood the trademark registration procedure, while the rest (5%) said they knew but felt the process was too complicated and expensive. This lack of knowledge is indicated by the low awareness of the importance of protecting intellectual property rights, especially Brands for the sustainability of their business. Many people think that a trademark is just a label or product name without realizing the legal and economic implications attached to it.

After the implementation of the educational program which included counseling, group discussions, brand registration simulations, and individual consultation sessions, a follow-up survey with the same questionnaire was conducted to the same respondents. The results showed a dramatic improvement. As many as 75% of respondents (35 people) stated that they understood the benefits of trademark registration, an increase of 60% from the previous survey. More encouragingly, 20% of respondents (10 people) expressed strong interest in registering their product brands immediately, and 5% (5 people) stated that they would start the registration process immediately after receiving further information and guidance. These results show the success of the educational program in increasing public awareness and understanding of the importance of brand protection. Further analysis of the questionnaire data revealed several key factors that influence the success of educational programs. Interactive counseling methods and the use of real case studies have proven effective in providing a more comprehensive understanding. Group discussions provide a space for participants to discuss and share experiences, thus creating a conducive atmosphere to exchange information and overcome doubts. Brand registration simulations

provide a hands-on experience that makes it easier for participants to understand the registration process and requirements. Individual consultation sessions allow participants to get answers to their specific questions and overcome the obstacles they face.

However, some obstacles were still identified during the implementation of the program. As has been revealed in the group discussion, the main obstacles faced by BUMO's partner business groups remain the relatively high registration fees and procedures that are considered complicated. Although educational programs have succeeded in increasing understanding and interest, these financial and bureaucratic constraints are still a barrier for most MSMEs to register their brands. Some participants also complained about the lack of access to information and easily accessible brand registration services. They need further assistance in terms of filling out forms, drafting documents, and navigating the online registration system. In relation to these findings, several recommendations can be put forward to support the sustainability of the program and overcome existing constraints. First, local governments need to provide subsidies or financial incentives for MSMEs who want to register their product brands, for example through financial assistance programs or reduced registration fees. Second, it is necessary to simplify the trademark registration procedure and provide consultation services that are easily accessible and affordable, both online and offline. Third, it is necessary to increase socialization and education on a regular and continuous basis about the importance of brand registration, not only through training programs, but also through other communication media that are more accessible to the public. Fourth, it is necessary to build strong cooperation between local governments, BUMO, and related institutions, such as IPR consultants, to provide comprehensive assistance and support for MSMEs in the trademark registration process, so that this educational program has succeeded in increasing public understanding and interest in the importance of trademark registration. However, the long-term success of this program requires support and synergy from various parties to overcome the financial and bureaucratic obstacles faced by MSMEs, with a joint commitment, Brand protection for MSMEs in Ohoi (Village) can be realized and contribute to improving the economy and community welfare.

CONCLUSION

An educational program on the importance of trademark registration for BUMO's partner business group in Ohoi Rat, Kei Kecil Timur District, Maluku Regency, Renggara has shown positive results. A significant increase in understanding and interest in registering a trademark was seen after the implementation of the program involving various educational methods. This shows that comprehensive and participatory education is effective in increasing public awareness and knowledge about the importance of Marek protection. Nonetheless, challenges remain, especially regarding cost constraints and the complexity of the registration procedure. Therefore, continuous support from local governments and related parties is needed to overcome these obstacles. The recommendations submitted include subsidizing registration fees, simplifying procedures, improving the accessibility of consulting services, and continuous socialization. The implementation of this recommendation is expected to encourage more MSMEs in Ohoi (Village) to register their product brands, so as to increase competitiveness, expand market access, and ultimately improve the economy of Ohoi (Village). Marek protection is the key to the success of MSME development and improving community welfare, especially in rural areas. This community

service program is expected to be a model that can be adopted in other regions to encourage sustainable MSME-based economic growth.

REFERENCES

- Adaninggar, Asti Wulan, Hendro Saptono, and Kholis Roisah. "Perlindungan Produk Usaha Mikro Kecil Dan Menengah Terkait Hak Kekayaan Intelektual Dalam Menghadapi Masyarakat Ekonomi Asean." *Diponegoro Law Journal* 5, no. 3 (2016): 1-11. <https://ejournal3.undip.ac.id/index.php/dlr/article/view/12061>.
- Betlehn, Andrew, and Prisca Oktaviani Samosir. "Upaya Perlindungan Hukum Terhadap Merek Industri UMKM Di Indonesia." *Jurnal Law and Justice* 3, no. 1 (2018): 3-11. <https://doi.org/10.23917/laj.v3i1.6080>.
- Bumomalra.com. "Tentang Bumo." <https://bumomalra.com/>, 2017. <https://bumomalra.com/tentang-bumo,>.
- Kamar Dagang, Industri Indonesia dan World Intellectual Property Organization. "Membuat Sebulan Merek: Pengantar Merek Untuk Usaha Kecil Dan Menengah." Jakarta: Kamar Dagang, Industri Indonesia dan WIPO, 2008. https://www.wipo.int/export/sites/www/sme/en/documents/guides/translation/making_a_mark_indo.pdf.
- Khairandy, Ridwan. *Pokok-Pokok Hukum Dagang Indonesia*. Yogyakarta: FH UII Press, 2013.
- Mamahit, Jisia. "Perlindungan Hukum Atas Merek Dalam Perdagangan Barang Dan Jasa." *Lex Privatum* 1, no. 3 (2013): 90-100. <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/3040>.
- Maulana, Insan Budi. *Pengantar (Akta) Perjanjian Hak Kekayaan Intelektual Untuk Notaris Dan Konsultan HKI*. Bandung: Citra Aditya Bakti, 2021.
- Muhammad, Abdulkadir. *Hukum Perusahaan Indonesia*. Bandung: Citra Aditya Bakti, 2010.
- — —. *Kajian Hukum Ekonomi Hak Kekayaan Intelektual*. Bandung: Citra Aditya Bakti, 2007.
- Paralegal.id. "Kelompok Usaha." <https://paralegal.id>, 2022. <https://paralegal.id/pengertian/kelompok-usaha/>.
- Saidin, OK. *Aspek Hukum Hak Kekayaan Intelektual (Intellectual Property Rights)*. Jakarta: Raja Grafindo Persada, 2019.
- Sembiring, Sentosa. *Hukum Dagang*. Bandung: Citra Aditya Bakti, 2008.