

OPTIMIZATION OF LEGAL PROTECTION FOR WELL-KNOWN TRADEMARKS ACCORDING TO LAW NUMBER 20 OF 2016 CONCERNING TRADEMARKS AND GEOGRAPHICAL INDICATIONS

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Abstract

Background - The rapid growth of technology and industry requires businesses to innovate and create unique products in order to stand out in the market. Brands as part of intellectual property serve as important identities and assets that ensure product differentiators and consumer trust. However, the increasing number of trademark infringements in Indonesia including imitation, counterfeiting and passing off confirms the need for strong legal protections. For this reason, optimal legal protection is needed as stipulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications.

Purpose - This study aims to analyze the legal protection of trademarks based on positive law in Indonesia as well as the legal consequences that will be received for trademark infringers.

methodology - This study uses a normative juridical method by analyzing legal documents, regulations, court decisions and relevant literature. Data sources include primary legal materials such as laws and regulations, secondary materials such as legal commentaries and tertiary sources such as dictionaries and legal encyclopedias. A qualitative approach is applied to provide an in-depth understanding of the legal framework and enforcement challenges. This study focuses on the application of Law Number 20 of 2016 concerning Trademarks and Geographical Indications with an emphasis on its role in providing exclusive rights and legal remedies for brand owners.

Findings - The results of the study show that although existing regulations provide a solid basis for brand protection, their implementation is still inconsistent. Trademark infringers can be subject to legal sanctions in the form of imprisonment or fines as stipulated in Article 100 and Article 102 of Law Number 20 of 2016. On the other hand, legal protection for well-known trademarks includes trademark registration as a preventive measure and a law enforcement mechanism through the filing of lawsuits both criminally and civilly. However, there are obstacles in implementation, such as a lack of public understanding of trademark rights and limitations in law enforcement. Optimizing the protection of well-known brands is necessary to create a healthy and fair business.

Originality - This research lies in its specific focus in examining the optimization of legal protection for well-known brands in Indonesia using normative juridical. This research integrates analysis of legal documents, regulations, and court decisions to understand the application of Law Number 20 of 2016 concerning Trademarks and Geographical Indications. By evaluating the challenges in the implementation of legal protection, this study makes a unique contribution in understanding how to strengthen brand protection in Indonesia.

Keywords: well-known brand, Indonesia, trademark infringement, Legal protection, intellectual property
