

## Review Of The Intellectual Property Directorate General's Responsibility Regarding The Cancellation Of Well-Known Trademark Registration In The Same Class Of Goods

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### *Abstract*

*The responsibility of the Directorate General of Intellectual Property (DJKI) in canceling the registration of famous trademarks in the same class of goods is an important issue in the protection of intellectual property rights in Indonesia. This study aims to analyze the authority of the Directorate General of Intellectual Property (DGIP) in canceling the registration of well-known trademarks that are deemed to harm the owners of well-known trademarks, especially when the newly registered trademark is in the same class of goods. This review examines the responsibilities and authorities of DJKI based on regulations governing trademark cancellation, such as Law No. 20 of 2016 on Trademarks and Geographical Indications, as well as decisions issued by DJKI related to trademark cancellation. This research also discusses the factors that influence DJKI's decisions in assessing whether a brand can be considered famous and whether the registration of a new brand can pose a risk of confusion in the market. The analysis results show that DJKI has a significant responsibility in maintaining the integrity of the trademark registration system and protecting the rights of famous trademark owners. This research provides recommendations on the importance of stricter supervision and law enforcement to ensure that famous brands are optimally protected from misuse and intellectual property rights violations in Indonesia.*

**Keywords:** *Responsibility of the Directorate General of Intellectual Property, Cancellation of Trademark Registration, Famous Trademark, Class of Goods*

## INTRODUCTION

The Directorate General of Intellectual Property is an institution operating under the Ministry of Law and Human Rights of the Republic of Indonesia that has the duty and function to protect the rights of intellectual property owners and to formulate and implement policies in the field of intellectual property. Technically, DGIP has an organizational scope that includes the Directorate of Patents, Integrated Circuit Layout Designs and Trade Secrets, the Directorate of Copyright and Industrial Designs, and the Directorate of Trademarks and Geographical

Indications. DGIP plays an important role in handling trademarks in accordance with Law No. 20 of 2020 concerning Trademarks and Geographical Indications, such as receiving, examining, and managing trademark registration applications, which includes formal and substantive examinations up to the trademark publication stage if a trademark is deemed to meet the requirements.

Trademark rights, as a part of intellectual property rights, play an important role in the business world. Trademarks on products help identify and distinguish the quality of goods or services being used. Without trademarks, consumers would have difficulty distinguishing one product from another. Therefore, trademarks become highly valuable commercial assets and often have higher value compared to a company's physical assets (Sudjana, 2020).

The significant benefits and potential inherent in trademarks, especially well-known trademarks, often trigger trademark violations in Indonesia. The reputation possessed by well-known trademarks becomes the main factor influencing consumer decisions, as consumers tend to choose products with good reputations that consistently provide positive experiences. However, this trademark strength also creates opportunities for irresponsible business operators to violate the law for quick profits. One of the most commonly encountered trademark rights violations is the imitation of well-known trademarks (Khotimah & Apriani, 2022).

Well-known trademarks have distinctive characteristics that distinguish them from ordinary trademarks, one of which is their ability to create strong associations with consumers. Therefore, in Indonesia's trademark registration system, the registration of similar or identical trademarks to well-known marks in the same class of goods must be carefully examined by DGIP. If DGIP does not take appropriate steps in managing and resolving such cases, it will lead to negative consequences for both well-known trademark owners and consumers themselves.

The trademark registration process in Indonesia is regulated by Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which includes protection for well-known trademarks to protect their owners' exclusive rights from potential violations, such as the registration of similar trademarks in the same class of goods. Although these legal provisions exist, their implementation often faces challenges, particularly in cases of unfair competition when new registrants attempt to exploit the reputation of well-known trademarks. One action that can be taken in this regard is the cancellation of newly registered trademarks, especially if it can be proven that such registration may confuse consumers or harm the well-known trademark owner.

However, in practice, there are often cases where a well-known trademark faces new trademark registrations filed in the same or similar class of goods, which can cause market confusion. This not only harms well-known trademark owners but also potentially damages reputations built over years. In this context, the cancellation of trademark registrations in the same or similar class of goods as well-known trademarks becomes a crucial issue to discuss, particularly regarding the role and responsibility of the Directorate General of Intellectual Property (DGIP) as the authorized institution in regulating and supervising the trademark registration system in Indonesia.

Trademark piracy, trademark counterfeiting, and imitation of product labels or packaging are three types of trademark infringement. In general, infringement and imitation of Well-Known Trademark Rights can have negative impacts on society. Registered trademark owners have the right to sue others who intentionally use or imitate other trademarks that have substantial similarity to the goods and services protected by such well-known trademarks.

Based on the decision data available on the Supreme Court Decision Directory website, trademark infringement cases in the last four (4) years show that in 2020 there were 72 decisions, in 2021 there were 73 decisions, in 2022 there were 89 decisions, and in 2023 there were 104 decisions. Looking at this data, trademark infringement disputes have increased with

each passing year. And as quoted from the website of the Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia, there is a statement that over the last four (4) years, intellectual property violation cases, including trademarks, have continued to increase, with hundreds of cases reported to and handled by DGIP each year.

Through this research, DGIP's responsibility in canceling trademark registrations in the same class of goods as well-known trademarks will be further analyzed. This research aims to determine whether DGIP performs its duties, authority, and responsibilities in accordance with applicable regulations. It seeks to find effective solutions to address the issues of well-known trademark registration cancellation and provide policy recommendations and mechanisms to DGIP to enhance the protection of well-known trademarks in Indonesia. DGIP, as the guardian of the intellectual property system, needs to view trademark registration cancellation responsibility not only from a legal aspect but also from economic and public interest perspectives, so that intellectual property rights can be comprehensively protected. Therefore, the author will discuss this in a journal article titled "Review of the Intellectual Property Directorate General's Responsibility Regarding the Cancellation of Well-Known Trademark Registration in the Same Class of Goods."

## **RESEARCH METHOD**

The research method applied in this study is a normative research approach that emphasizes norms, regulations, or principles that should be followed. This research is prescriptive in nature, examining the relationship between legal principles, legal norms, legal rules, and individual behavior in the context of legal science. The approach used is library research. This library research was conducted by reviewing various relevant literature sources, both theoretical and practical, to analyze legal aspects, policies, and the implementation of well-known trademark protection in Indonesia.

## **DISCUSS AND ANALYSIS**

### **The Responsibility of the Directorate General of Intellectual Property for the Cancellation of Well-Known Trademark Registration in the Same Class of Goods**

The Directorate General of Intellectual Property (DJKI) is a unit under the Ministry of Law and Human Rights (Kemenkumham). This institution is responsible for regulating and managing various aspects related to intellectual property rights in Indonesia, such as copyrights, patents, trademarks, industrial designs, and so forth.

Historically, DJKI in Indonesia began with the introduction of intellectual property rights (IPR) protection regulations by the Dutch Colonial Government in the 19th century, including the Trademark Law (1885), Patent Law (1910), and Copyright Law (1912). After Indonesia's independence, most Dutch colonial regulations remained in effect, except for the Patent Law, which was deemed unsuitable. In 1961, Indonesia enacted its first nationally-made Trademark Law and established November 11 as National Intellectual Property Day. The modern era of IPR began in 1986 with the formation of the Presidential Decree Team 34, which formulated national IPR policy, followed by the establishment of the Directorate General of Copyright, Patent, and Trademark in 1988. Since then, various new laws and revisions have been enacted, including Patent Law, Trademark Law, and Trade Secret Law, Industrial Design, and Integrated Circuit Layout Design to comply with the TRIPS Agreement. DJKI now plays a crucial role in managing IPR in Indonesia, promoting the protection and development of national intellectual property.

DJKI aims to ensure legal certainty in intellectual property protection, promote innovation and creativity that contribute to national economic growth, provide quality and professional services in the field of intellectual property, and realize effective and fair law enforcement in the intellectual property sector. Protection of well-known trademarks becomes increasingly important considering the conditions of the criminal justice system in Indonesia which faces various challenges. As explained in Wala and Firmansyah's research (2024), Indonesia's criminal justice system faces serious constraints related to overcapacity in correctional institutions, where 2023 data shows the number of inmates reached 265,897 people while prison capacity is only 140,424 people (Wala & Firmansyah, 2024). This condition demonstrates the importance of preventive efforts in protecting intellectual property rights, including well-known trademarks, so that disputes can be prevented as early as possible and do not add burden to the judicial system. DJKI as the authorized institution needs to prioritize the principle of prudence and comprehensive examination in the trademark registration process to prevent potential disputes in the future. DJKI plays an important role in the protection, formulation, and implementation of intellectual property (IP) policies in Indonesia. As its right, DJKI has the authority to ensure IP protection throughout Indonesian territory. Meanwhile, DJKI's obligations include the development and implementation of IP policies in accordance with applicable laws and regulations, to create an effective and integrated IP protection system. DJKI not only acts as a driver of intellectual property protection but also serves as a strategic partner of the government in creating a competitive innovation ecosystem.

The registration of trademarks for a product and/or service is not only important to ensure legal certainty for trademark owners but also can provide economic benefits for business actors. This is where DJKI carries out its role of protecting trademark rights by granting exclusive rights after the trademark is accepted and registered. Exclusive rights to a trademark are special rights granted by the state to registered trademark owners for a specific period. These rights are exclusive in nature, allowing only the trademark owner to use the trademark. With these rights, trademark owners can prohibit other parties from using or imitating their trademark, ensuring that the trademark's uniqueness is maintained and its value is protected from misuse or unauthorized use (Sujatmiko, 2018).

The Government's role is crucial in preventing and reducing unfair business competition practices carried out by businesses with bad faith, one of which is through trademark rights protection that is currently regulated in the Trademark Law itself which has undergone several changes until finally the one currently being used is Law No. 20 of 2016 concerning Trademarks and Geographical Indications. DJKI, which operates under government institutions, is tasked with managing and implementing regulations that have been stipulated in this Law. Protection of well-known trademarks is also regulated in the Trademark Law. In this law, well-known trademarks receive special protection because they are considered to have wide recognition and high economic value in the market. Well-known trademarks often become targets of infringement, both in the form of similar trademark registrations and imitations that can confuse consumers. DJKI is responsible for ensuring that the rights of well-known trademark owners are protected from such actions (Prasomya & Santoso, 2022).

DJKI will consider several factors such as the level of visual, phonetic, or conceptual similarity between the new trademark and the well-known trademark, the compatibility of goods or services classes from both trademarks, the reputation of the well-known trademark in society, both nationally and internationally, as well as the intention of the new trademark registration, whether there are indications of bad faith to imitate or take advantage of the well-known trademark's reputation. The cancellation of trademark registration is usually carried out through several procedures. First, the owner of the well-known trademark submits a cancellation request to DJKI, accompanied by evidence supporting the claim that the new trademark registration violates their trademark rights. Then, DJKI conducts an examination of

documents, facts, and evidence submitted by related parties, including data regarding the recognition and use of well-known trademarks in the market. Subsequently, DJKI will make a decision based on legal analysis and existing facts to determine whether the new trademark registration needs to be cancelled. If the trademark registration is declared void, DJKI will remove the trademark from the list of registered trademarks.

The removal and cancellation of registered trademarks can have legal consequences for the trademark owners themselves, including legal actions that can be taken, such as filing lawsuits, and using certificates or proof of trademark ownership. The process of cancelling registered trademarks in Indonesia faces many problems that can complicate it. One of the main obstacles is the high burden of proof. Cancellation applicants must be able to clearly prove that the trademark has not been used for a certain period or that its registration was made in bad faith. Additionally, aggrieved parties are often reluctant to pursue cancellation efforts due to complex and time-consuming legal processes. Furthermore, there is legal uncertainty, especially when court decisions are not accompanied by concrete actions prohibiting the reuse of cancelled trademarks. In such cases, trademark owners can still use the name even though the trademark is no longer legally valid. Although there is a legal framework governing trademark cancellation, these issues often make the process ineffective and create uncertainty for all parties involved.

DJKI faces various challenges in the trademark registration process that encompass technical, operational, and legal aspects. The high number of applications slows down substantive examination, coupled with the limited number of competent experts to conduct in-depth analysis. Technical issues in the online system, such as suboptimal data integration, also frequently become obstacles. The public's lack of understanding of registration procedures and requirements further complicates the process, especially when third-party objections arise during the trademark announcement period. Additionally, subjective assessment becomes a major challenge, as it can affect the consistency of trademark law enforcement, thus requiring more measurable evaluation guidelines and standards. Legal disputes, particularly those involving global trademarks, present higher complexity due to differences in legal systems, business cultures, and norms applicable in each country. In facing all these challenges, DJKI must ensure careful checking to prevent potential losses for other parties while maintaining fairness in the legal decision process. These efforts require system improvements, expert training, and better cross-border coordination.

DJKI's primary responsibility in protecting well-known trademarks is to cancel trademark registrations that are considered to infringe on well-known trademarks in the same class of goods. This cancellation process can be initiated by the owner of the well-known trademark or parties who feel aggrieved, by showing evidence that the new trademark registration may cause confusion in the market or is considered an act of unfair competition. In terms of cancellation of previously registered trademarks, the Trademark Law stipulates that applications for trademark registration will be rejected if there are significant similarities, either in whole or in substance, with another person's registered trademark. This also applies to trademarks that have been previously filed by other parties for similar goods and/or services, well-known trademarks from certain industries, and trademarks that have been previously filed by other parties for registered goods and/or geographical indications that are considered during this process. Article 21 Paragraph 1 of the Trademark Law states that if the trademark has been previously registered by another person, the application will be rejected. Furthermore, in Paragraph 2 of the same article, if the trademark is similar to the name or abbreviation of a name, photograph, or name of another legal entity, except with written consent from the rights owner (Dharmawan, 2016). Another responsibility of DJKI as the party that issues Trademark Rights Certificates is to execute court decisions regarding the cancellation of the relevant trademark registration from the General Register of Trademarks.

## **Legal Certainty for Owners of Well-Known Trademarks Who Have Not Registered Their Marks in Indonesia**

A brand/trademark is a distinguishing mark presented in the form of images, logos, names, letters, words, numbers, or color arrangements. According to Trademark Law, trademarks are categorized into Trade marks which refer to marks used for goods marketed by individuals, groups, or legal entities, with the purpose of distinguishing them from other similar goods. Meanwhile, Service marks are marks applied to services offered by individuals, groups, or legal entities, to differentiate these services from other similar services. Additionally, there is also a category known as well-known marks.

A well-known trademark is a mark that has gained widespread public recognition, possesses a strong reputation, and holds significant commercial value and appeal. Law Number 20 of 2016 does not provide a clear definition of well-known trademarks. The term "well-known trademark" is only mentioned in the elucidation of Article 21 paragraph 1 letter b. Articles 4 and 6 of Law No. 20 of 2016 concerning Trademarks regulate the protection of well-known marks, along with international provisions such as the TRIPs Agreement and the Paris Convention. Generally, well-known marks can be defended even if they have not been registered in Indonesia, provided they meet certain requirements.

Legal certainty for well-known trademark owners encompasses three main elements: certainty, justice, and utility. Certainty is manifested through clear legal protection of well-known trademarks to prevent unauthorized use or misappropriation by other parties. Justice is reflected in the recognition of exclusive rights for well-known trademark owners to protect the reputation and economic value they have established. Meanwhile, utility is realized through positive economic impacts, where the protection of well-known trademarks encourages innovation and investment, while simultaneously providing consumer confidence in product quality. These three elements ensure that well-known trademark owners can operate fairly and productively within a stable legal and business ecosystem.

Indonesia, as a member state of the WTO, has made the protection of well-known trademarks part of its commitment to TRIPS, which is inseparable from its recognition of the World Trade Organization (WTO). Article 3 Paragraph (1) of TRIPS requires each member state to provide equal protection in the field of IPR to other member states without discrimination. Based on the National Treatment principle, citizens of other member states must be recognized as legal subjects who meet the criteria for rights acquisition as regulated in the Paris Convention. The protection of well-known trademarks is also regulated in the Paris Convention, particularly in Article 6bis, which grants well-known trademark owners the right to oppose or cancel registration and prohibit the use of trademarks that constitute copies, imitations, or translations that may cause confusion. This applies even if the trademark is not registered or not used in that country (Maulana, 2000).

The World Intellectual Property Organization (WIPO) establishes criteria regarding well-known trademarks as regulated in the Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks, which can be used to determine whether a trademark falls into the well-known category, namely:

1. The degree of knowledge or recognition of the mark in the relevant sector of the public
2. The duration, extent, and geographical area of any promotion of the mark
3. The duration, extent, and geographical area of any use of the mark
4. The duration and geographical area of any trademark registrations or applications for registration
5. The value associated with the mark
6. The record of successful enforcement of rights in the mark

Trademarks are not only used in their country of origin but also abroad, necessitating clear legal regulations to prevent infringement. Several types of trademark infringement are regulated in the Trademark Law, including: the use of marks that are completely identical to registered trademarks owned by others for similar goods and/or services that are produced or traded (Article 90 of Trademark Law), the use of marks that have significant similarities to registered trademarks owned by other parties for similar goods and/or services, as well as the trade of goods and/or services suspected to be results of trademark infringement (Article 94 Paragraph 1 of Trademark Law). Additionally, Articles 9 and 10 of the Paris Convention also regulate legal measures against well-known trademark infringement. Any goods illegally using a trademark must be seized upon entering a member country that has legal regulations protecting such trademark or trade name. This seizure can be requested by public prosecutors, authorized officials, or interested parties, whether individuals or legal entities, in accordance with the regulations applicable in each country. Member countries are also obligated to ensure that citizens of other member countries have access to effective legal systems to address trademark infringement (Gunawati, 2015).

The TRIPs Agreement establishes rules to prevent its member countries from infringing Intellectual Property Rights (IPR), particularly concerning well-known trademarks. Article 42 of the TRIPs Agreement stipulates that member states are responsible for providing civil judicial procedures for rights holders in the context of IPR law enforcement as regulated in this agreement. Courts may require infringers to pay compensation to rights holders for damages arising from IPR infringement by other parties who were aware of their involvement in such infringement. In some cases, member states may authorize courts to order compensation payments even if the infringer was unaware of their involvement in the infringement (Article 45 of the TRIPs Agreement).

The DGIP (Directorate General of Intellectual Property) has undertaken various efforts to enhance the protection of well-known trademarks, including socialization as a strategic step to improve public understanding and awareness about the importance of trademark protection and existing legal procedures. Through socialization, the public is educated about the benefits of trademark registration, methods of protecting intellectual property rights, and potential legal risks arising from infringement. International cooperation has also become a step in strengthening trademark protection, especially in the era of globalization that expands the reach of cross-border business activities. This is achieved through collaboration with international organizations such as WIPO (World Intellectual Property Organization), ASEAN, and WTO (World Trade Organization) to ensure fair competition, align national policies with international standards, strengthen economic diplomacy, and reduce international trade barriers. And adopting this digital system enables early detection of similar trademarks, allowing for more accurate and efficient evaluation processes.

Well-known trademark owners who have not registered their trademarks in Indonesia can obtain legal certainty through several mechanisms, such as registration rejection by DGIP, where DGIP can reject applications for new trademark registrations deemed similar to well-known marks. Additionally, they can file cancellation lawsuits to the Commercial Court if similar marks have been registered, with evidence of bad faith and exclusive rights violations. They can also utilize international cooperation through Indonesia's membership in WIPO and agreements such as the Madrid Protocol and TRIPS Agreement, which enable international protection. Furthermore, they can strengthen their presence in the Indonesian market through active promotion, making it easier to prove trademark recognition among local consumers.

In addressing the complexities of disputes related to well-known trademarks, DGIP needs to take strategic steps to improve efficiency, effectiveness, and fairness in the trademark registration cancellation process. Several recommendations to strengthen DGIP's responsibilities include developing specific guidelines for handling well-known trademarks,

which cover indicators such as duration of use, promotional scope, reputation, and consumer recognition. These guidelines will provide legal certainty and facilitate the evaluation of a trademark's 'well-known' status. Additionally, it is important to enhance human resource competencies at DGIP through continuous training, particularly regarding aspects of international law and recent developments in trademark protection, considering the numerous cases involving global trademarks and international trade agreements

DGIP also needs to leverage technology by developing artificial intelligence (AI)-based systems to accelerate the trademark evaluation process, such as identifying visual or phonetic similarities between registered and newly submitted trademarks. Strengthening cooperation with stakeholders, such as trademark associations, entrepreneurs, and international organizations like WIPO, will help in identifying infringement trends and handling disputes. Furthermore, transparency in the decision-making process is crucial, so DGIP needs to ensure that every decision related to trademark cancellation is clearly documented and publicly accessible. Finally, DGIP also needs to enforce sanctions against trademark registration abuse in bad faith as a preventive measure against future violations.

Someone who infringes trademark rights without permission and consent from the owner or holder of the registered trademark can be sued for damages in civil law. This is because the Trademark Rights holder suffers financial and business losses. A person who commits such an act can be categorized as committing an Unlawful Act (PMH), in accordance with Article 1365 of the Civil Code, which stipulates that a person who causes harm to others as a result of their fault must compensate for these losses. Additionally, selling counterfeit goods with well-known trademarks can be considered a violation of the Trademark Law which carries criminal sanctions. According to Articles 100-102 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, people who sell counterfeit goods that are the result of criminal acts are threatened with imprisonment for a maximum of 5 (five) years and/or a maximum fine of IDR 2,000,000,000. Sanctions given to those who violate Well-Known Trademark Rights must be increased. This aims to punish people who act unethically when using these Trademark Rights. Furthermore, the goal is to reduce the tendency to imitate and use the rights belonging to others.

To achieve legal certainty, first and foremost, protection of well-known trademarks is achieved through registration, whereby trademark owners will obtain exclusive rights and prevent misuse by irresponsible parties. Legal protection also includes legal actions that can be taken by well-known trademark owners if infringement occurs, such as civil or criminal lawsuits. Although Indonesian laws have provided protection for unregistered well-known trademarks, there are still problems in implementing these provisions in practice. For example, DGIP often fails to implement recognition of well-known trademarks comprehensively without clear court decisions. This indicates that, although elements of protection exist, their implementation needs to be improved to meet the principle of legal certainty. If protection is not properly implemented, well-known trademark owners may face difficulties in defending their rights, which ultimately can harm them and create uncertainty in the market.

## **CLOSURE**

### **Conclusion**

Responsibilities of the Directorate General of Intellectual Property Regarding the Cancellation of Well-Known Trademark Registration in the Same Class of Goods  
DGIP, as part of the Ministry of Law and Human Rights, plays a primary role in regulating, protecting, and developing the intellectual property (IP) system in Indonesia, including trademark rights, patents, copyrights, and others. DGIP is committed to ensuring legal certainty, encouraging innovation, providing professional services, and enforcing laws fairly. With a historical background of IP protection from the colonial era to the development of modern laws,



DGIP is tasked with formulating policies, implementing regulations, and handling well-known trademark disputes and cancellation of rights-infringing trademarks. Despite facing challenges, such as high burden of proof and complexity of international disputes, DGIP continues to strive to create an effective IP protection system to support the innovation ecosystem and national economic growth.

**Legal Certainty for Well-Known Trademark Owners Who Haven't Registered Their Trademarks in Indonesia** To ensure legal certainty for well-known trademark owners, it is important for trademark owners to register their trademarks in every country where their business operates. However, registration systems in different countries often make it difficult for well-known trademark owners due to differences in procedures and regulations. Therefore, the trademark registration system needs to be improved to become more effective through technology-based system development and human resource competency enhancement. Although legal protection is available, implementation challenges such as lack of legal certainty and procedural obstacles require improvements to ensure justice and effectiveness.

### **Suggestion**

**1. Government** In writing this research, the Author proposes suggestions for the Government's consideration, namely the implementation of a universal trademark registration system. In this system, all trademarks in the world would register in one mutually agreed-upon country. For example, trademarks registered in Indonesia through DGIP would then be further processed by DGIP for registration in this mutually agreed-upon country. Thus, wherever the trademark is to be registered, DGIP and related countries would have the same registration records, providing legal certainty for trademark owners who wish to protect their rights in all countries.

**2. Directorate General of Intellectual Property** DGIP needs to continue improving public education about trademark protection, enhance regulatory quality with stricter substantive examinations, and digitalize services using AI to detect violations in order to create a fair and competitive business ecosystem.

**3. Public** The public is advised to increase awareness of the importance of registering trademarks with DGIP, and conduct prior research to ensure that the trademark they wish to use does not have similarities with other trademarks.

**4. Business Owners** Trademark owners are advised to promptly register their trademarks to avoid potential trademark imitation disputes and strengthen their position. Additionally, business actors need to maintain originality and avoid imitating elements of other trademarks

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