

IDEAL LEGAL PROTECTION POLICY FOR WELL-KNOWN TRADEMARK TO SUPPORT INVESTMENT CLIMATE IN INDONESIA

Purwanto Setiawan

Faculty of Law Universitas Pelita Harapan, Indonesia,
purwanto_ptc46@yahoo.com

Abstract

An ideal legal protection policy for well-known trademarks is crucial to support the investment climate in Indonesia. As a country based on law and welfare, Indonesia aims to provide legal protection and guarantees in various economic activities. Trademarks are essential in attracting foreign direct investment (FDI), and thus, legal certainty and justice for well-known trademark holders are of utmost importance. However, problems arise from trademark violations that can potentially hinder FDI. The objective of this research is to identify and propose an ideal legal regulatory framework that ensures legal certainty and justice for well-known trademarks investing in Indonesia. The research examines three main issues: the aspects of legal certainty and justice in the current regulations, the challenges found in their implementation, and how these regulations can be made more legally certain and just to foster a conducive investment climate. Using a normative legal research method with empirical support, the study analyzes secondary data, including policies, legal rules, and court decisions related to trademark law in Indonesia. This descriptive research explains the guarantees of legal certainty and justice for well-known trademark holders in Indonesia. The findings indicate that while Indonesia's trademark law (Law Number 20 of 2016) provides legal certainty through registration and enforcement, several issues hinder effective protection. These problems include the absence of philosophical requirements, a dual understanding of the law, complex three-dimensional trademark provisions, a low legal culture among the public, disharmony in regulations, weak law enforcement, and abstract trademark criteria. Therefore, the ideal protection for well-known trademarks in Indonesia should incorporate philosophical requirements, align with international standards, provide adequate protection, ensure an efficient and transparent registration process, and foster international cooperation.

Keywords: *Legal Protection; Legal Certainty; Justice; Well-Known Trademark; Investment Climate*

1. INTRODUCTION

Indonesia as a country based on law and welfare has endeavored to provide legal protection and justice for its people by placing everyone equally before the law and guaranteeing welfare through work and providing a decent life. This can then be achieved by providing guarantees for the people's economy as mandated in Article 33 of the 1945 Constitution as a basis for implementing an economic system for the people's welfare. In this case, it is expected that in the implementation of economic activities, the community can pay attention to the balance in competition and cooperation.¹ Thus, competition in the economy needs to be carried out in a healthy manner.

Providing guarantees of legal certainty and justice is important in various state activities, including in economic activities. In this case, one of the important things is providing guarantees of legal certainty and justice for holders of well-known trademarks. The existence of guarantees of legal certainty and justice for holders of well-known

¹ Jimly Asshiddiqie, *Komentar atas Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* (Jakarta: Sinar Grafika, 2009), 140.

trademarks to invest in Indonesia is one form of government effort to protect the entire Indonesian nation, both from the producer and consumer side and even to the distributor.

Law Number 20 of 2016 on Trademarks and Geographical Indications is a law that primarily regulates trademark protection in Indonesia. In addition, the law also provides regulations regarding trade in goods and services across national borders. In the considerations of the law, it has been explained that in order to fulfill international conventions ratified by Indonesia and with the increasing scope of global trade, this law was created to maintain healthy and fair business competition, consumer protection, and protection of Micro, Small, and Medium Enterprises and domestic industry.

Furthermore, in the implementation of the legislation, the government also issued Government Regulation Number 22 of 2018 on International Trademark Registration Based on the Protocol Related to the Madrid Agreement Concerning International Trademark Registration. This regulation is the basis for the mechanism of international trademark registration in Indonesia which can then be used to protect national trademarks in the international world. The regulation on International Trademark Registration based on the Madrid Protocol has the potential to provide benefits in encouraging increased foreign investment in Indonesia. This is because it has made it easier for the business world to provide protection for its trademarks which in turn will increase trust in trade investment.²

The relationship between trademarks and foreign direct investment (FDI) is multifaceted, with trademarks playing a significant role in attracting FDI, particularly in developing countries. Studies have shown that trademark applications have a significant long-run positive effect on FDI inflows in developing countries. However, in developed countries, trademark applications show a significant long-run negative effect on FDI inflows, indicating differential impacts based on country classification.³ Other studies have found a positive and significant relationship between FDI and trademarks, suggesting that countries with strong trademark protection can attract higher FDI inflows, ultimately enhancing their economic growth through strict enforcement of intellectual property rights.⁴

Investment of foreign well-known trademarks in Indonesia has a significant impact on the country's economy. The importance of foreign well-known trademarks is not only related to the economic aspect, but also includes the legal aspect that is the basis for protecting intellectual property rights. One of the legal regulations that play a role is the Job Creation Law as a replacement for Law Number 20 of 2016 which has then provided changes to the implementation of trademark regulations in Indonesia in three ways, namely adding substance, improving substance, and eliminating substance. Evidence of good

² Zulvia Makka and Kholis Roisah, "Reformasi Asas Prioritas Merek Dagang Berlandaskan Protokol Madrid di Era Liberalisasi Perdagangan," *Jurnal Pembangunan Hukum Indonesia* 5, no. 3 (2023): 433–454, <https://doi.org/10.14710/jphi.v5i3.433-454>.

³ Faris ALshubiri and Mawih Kareem Al Ani, "Do Intellectual Property Rights Promote Foreign Direct Investment Inflows and Technological Exports in Developing and Developed Countries?" *Foresight* 26, no. 2 (2024): 272–299, <https://doi.org/10.1108/FS-05-2023-0096>.

⁴ Ayappan Palaniaandy and Lee Chin, "Intellectual Property Rights, Foreign Direct Investment and Economic Growth," *International Journal of Economics and Management* 12, no. S2 (2018): 535–548, <https://ideas.repec.org/p/prs/mprapa/118780.html>.

implementation of trademark law to increase foreign investment can be seen from the increase in foreign investment after the implementation of the Job Creation Law. Foreign investment grew by 8.5 percent in 2021. This then jumped to 44.2 percent in 2022 with a value of IDR 654.4 trillion.⁵ The Job Creation Law in Indonesia aims to improve the investment climate, and strengthening the protection of Indonesian trademarks plays an important role in attracting foreign investment.

Amidst the dynamics of international trade, Indonesia faces the challenge of ensuring legal certainty in international business transactions. Legal protection for trademark holders who make investments in Indonesia then becomes important. Trademark rights holders can use their trademarks as long as they do not violate the existing rules in the use of trademarks, while prohibiting other parties from using their trademarks or granting permission.⁶ In the context of investment in Indonesia, well-known trademark holders need to understand the importance of trademark registration and protection as a strategic step to maintain their trademark reputation and value. This aims to ensure legal protection for trademark owners.

The objective of the research is to identify and propose an ideal legal regulatory framework to ensure legal certainty and justice for well-known trademarks investing in Indonesia. This is done by examining three main issues, namely (1) how are the aspects of legal certainty and justice in the regulation of legal protection for holders of well-known trademarks in Indonesia?; (2) What challenges are found in the implementation of regulations for the protection of well-known trademarks in Indonesia?; and (3) How can the regulation of the protection of well-known trademarks be legally certain and just to encourage the creation of a climate that is conducive to foreign investment in Indonesia?

2. RESEARCH METHODS

The form of research is normative legal with empirical legal support. The normative legal research method, or known as library research, focuses on secondary data that can be found in the library.⁷ In the context of this research, the data involves policies or legal rules, as well as legal norms contained in laws and court decisions. The nature of this research is descriptive, where the author will explain in detail about the guarantee of legal certainty and justice for well-known trademark holders who invest in Indonesia.

Primary legal materials are legislation related to the research including Law Number 20 of 2016 on Trademarks and Geographical Indications. Secondary and tertiary legal materials are also used, especially textbooks, literature, legal journals, and court decisions related to guarantees of legal certainty and justice for well-known trademark holders to

⁵ Antonius Purwanto, "Tantangan Investasi Asing dan Komitmen Calon Pemimpin Negeri," *Kompas*, January 31, 2024, <https://www.kompas.id/baca/riset/2024/01/31/tantangan-investasi-asing-dan-komitmen-calon-pemimpin-negeri>.

⁶ Fajar Nurcahya Dwi Putra, "Perlindungan Hukum Bagi Pemegang Hak atas Merek Terhadap Perbuatan Pelanggaran Merek," *Mimbar Keadilan: Jurnal Ilmu Hukum* (2014): 97–108, <https://jurnal.untagsby.ac.id/index.php/mimbarkeadilan/article/view/461>.

⁷ Fahmi Anugraha, *Perlindungan Hukum Bagi Pemegang Hak Merek Dikaitkan Dengan Prinsip Itikad Baik Dalam Proses Pendaftaran Merek* (Medan: Universitas Muhammadiyah Sumatera Utara, 2020), 31.

invest in Indonesia. The main techniques implemented in data collection are library research and document analysis.

The data analysis used by the author in this study uses a descriptive nature, where in analyzing the author aims to be able to provide a description or explanation of the subject and object of research in accordance with the results of the research conducted by the author. The data triangulation process is used to ensure the accuracy and validity of the data collected during the research.⁸

3. ANALYSIS AND DISCUSSION

In facing the era of globalization and tight business competition, it is important for a country like Indonesia to present ideal legal arrangements to support the guarantee of legal certainty and justice for well-known trademarks that invest. In this context, it is necessary to consider how legal regulations can be designed in such a way as to create a conducive environment for well-known trademarks, minimize the risk of trademark infringement, and ensure that justice and legal certainty are the main pillars in every business and investment process in Indonesia. The ideal legal arrangement in the context of ensuring legal certainty and justice for well-known trademarks that want to invest in Indonesia must include comprehensive and in-depth aspects.⁹ This section will explore how the legal structure can provide protection for well-known trademarks, including but not limited to the mechanism for filing and protecting trademarks, effective dispute resolution, and legal incentives that can attract well-known trademarks to invest in this country. By involving these aspects, a legal framework can be created that provides confidence and security for well-known trademarks, thereby encouraging investment growth and realizing Indonesia's vision as an attractive and friendly business destination for trademarks with international achievements.

3.1. Aspects of Legal Certainty and Justice in the Regulation of Legal Protection for Well-Known Trademark Holders in Indonesia

Legal certainty in the regulation of trademark law in Indonesia is currently based on Law Number 20 of 2016. This legislation is very important, especially in maintaining healthy, fair business competition, consumer protection, and protection.¹⁰ Based on this legislation, a trademark obtains legal protection if it has been registered in the General Register of Trademarks, so that the Trademark Owner has exclusive rights to the trademark and this is in accordance with the Law. Furthermore, in addition to having a proper legal basis to be the basis for implementing the law, legal certainty is also achieved through the role of law enforcers, in this case the Court. This legal protection functions to resolve disputes if a dispute occurs, as well as as a form of providing legal certainty so as not to cause unwanted problems.¹¹

⁸ Matthew B. Milles and A. Michael Huberman, *Analisis Data Kualitatif*, trans. Tjetjep Rohendi Rohidi (Jakarta: UI Press, 1992).

⁹ Yusuf Gunawan, "Penyelesaian Sengketa Merek Terdaftar dan Merek Terkenal dalam Mewujudkan Perlindungan Hukum," *Iblam Law Review* 2, no. 2 (2022): 141–164, <https://doi.org/10.52249/ilr.v2i2.80>.

¹⁰ Dodi Rusmana, Bintan R. Saragih, and Simona Bustani, "Ownership Dispute Resolution Brand Ownership Rights in Indonesia," *Injurity: Interdisciplinary Journal and Hummanity* 2, no. 4 (2023): 269–277, <https://doi.org/10.58631/injurity.v2i4.58>.

¹¹ *Ibid.*, 237.

In addition, one of the ways the Indonesian Government provides guarantees of legal certainty and justice for Well-known Trademarks is by providing a way for Well-known Trademark owners to file a trademark cancellation lawsuit. This is partly due to the increasing number of legal violations in the form of imitation of Well-known Trademarks in Indonesia. Therefore, to avoid disputes or legal problems regarding well-known trademarks, especially foreign trademarks, the Indonesian government through the Law Number 20 of 2016, especially Articles 20, 21, and 22, has regulated trademarks that may not be registered and are prohibited from being registered. A trademark cancellation lawsuit is a method used to resolve legal problems or disputes with well-known trademarks in accordance with Law Number 20 of 2016 which regulates geographical indications and trademarks. Paragraph (1) of Article 76 regulates the elimination of claims related to trademark registration. The regulation states that "A lawsuit for the cancellation of a registered trademark may be filed by an interested party based on the reasons referred to in Article 20 and/or Article 21." By filing a case with the Commercial Court and stating that the trademark has not been used in the trade of goods and/or services for three years from the date of registration or last use, a third party with a legitimate interest can also attempt to request that the trademark no longer be used in the trade of goods and/or services. registered trademarks are not valid. The procedure is explained in paragraph (1) of Article 74.¹²

Based on this, there is an important thing that the value of legal certainty is not only in the form of articles in laws and regulations, but there is a relationship between one legal regulation and other laws and regulations, both substantively. This means that the legal principle is a regulation that is made with certainty because it regulates clearly and logically. Clear in the sense that it does not cause doubt (multi-interpretation) and logical in the sense that it is a system of norms with other norms so that it does not cause gaps in norms that will have an impact on law enforcement.¹³ Therefore, legal creed is also an inseparable element of law, especially for written legal norms. Laws that do not have a certainty value will lose their meaning because they can no longer be used as behavior for everyone. Legal certainty will guarantee that someone behaves in accordance with applicable legal provisions, conversely without legal certainty, someone does not have standard provisions in behaving.¹⁴ What is meant by reference is that this protection shows that the state is obliged to enforce Trademark law. Therefore, if there is a violation of the rights of a registered trademark, the owner of the trademark can file a lawsuit with the authorized Commercial Court. With this protection, justice will be realized which is the purpose

¹² Donny Agus Prakoso and Jeane Neltje Sally, "Legal Protection of Famous Brands Based on Law Number 20 of 2016 Concerning Brands and Geographical Indications," *Journal Equity of Law and Governance* 4, no. 1 (2024): 52–62, <https://ejournal.warmadewa.ac.id/index.php/elg/article/view/9446>.

¹³ Amran Suadi and Mardi Candra, *Politik Hukum: Perspektif Hukum Perdata dan Pidana Islam Serta Ekonomi Syariah* (Jakarta: Prenada Media, 2016).

¹⁴ Herri Swantoro, Efa Laela Fakhriah, and Isis Ikhwanasyah, "Permohonan Upaya Hukum Peninjauan Kembali Kedua Kali Berbasis Keadilan dan Kepastian Hukum," *Mimbar Hukum* 29, no. 2 (2017): 189–204, <https://jurnal.hukumonline.com/a/5cb49ea201fb73000fce182e/permohonan-upaya-hukum-peninjauan-kembali-kedua-kali-berbasis-keadilan-dan-kepastian-hukum-menuju-pembaharuan-hukum-acara-perdata/>.

of law. One of the aims of law is to realize social justice, with legal protection the rights of the legitimate trademark owner are protected.¹⁵

In the context of trademark regulation in Indonesia, significant changes occurred with the enactment of Law Number 20 of 2016, which replaced the previous regulation. One of the factors driving this change was Indonesia's involvement in the Convention on the Establishment of the World Trade Organization (WTO) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), which were recognized in Law Number 7 of 1994. The changes contained in Law Number 20 of 2016 include protection for new types of trademarks or what are known as non-traditional trademarks, such as sound trademarks, three-dimensional trademarks, and hologram trademarks. In addition, there are also regulations related to the minimum requirements for trademark registration applications that simplify the application process by filling out an application form, attaching a label or trademark sample, and paying an application fee. Overall, Law Number 20 of 2016 marks an important development in trademark regulation in Indonesia, including substantial changes to meet the demands of international agreements and providing broader and more effective protection for trademark rights, including protection for well-known trademarks.

The achievement of the goal of justice through law enforcement cannot be separated from its relationship with the Welfare State Perspective, in this case related to well-known trademarks, legal protection for well-known trademarks must prioritize the interests of society and common welfare. The state must ensure that the rights of the people are not violated by trademark rights holders.¹⁶ The welfare state perspective wants quality legal products. Therefore, to realize the state's goal as a welfare state as mandated in the constitution, so that it produces quality legal products is a big responsibility.¹⁷ The application of material legal state science will continue to support and accelerate the realization of a welfare state in Indonesia, so that the initial step that must be taken is to accelerate the enforcement of the supremacy of law which is positioned as the basis of a country's constitutional system.¹⁸

On the other hand, in relation to the purpose of law according to Radbruch, legal certainty can be obtained from laws or regulations whose substance contains clear and

¹⁵ Yosi Esa Hadi Saputra and Henny Marlyna, "Mixing of Brand Cancellation Lawsuits and Brand Infringement Lawsuits," *Indonesian Journal of Multidisciplinary Science* 2, no. 4 (2023): 2310–2325, <https://doi.org/10.55324/ijoms.v2i4.425>.

¹⁶ Budi Santoso Waspiah et al., "Indonesian Patent Law Reform for Simple Patent Innovations on Achieving Welfare State Objectives," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 199, <https://doi.org/10.15294/jils.v8i2.69214>.

¹⁷ Fairuzi Is'ad and Budi Agus Riswandi, "Legal Protection for Well-known Trademark Between Indonesia and Spanish: Case Study between Lois and NewLois," *JIPRO: Journal of Intellectual Property* 5, no. 2 (2022): 169–189, <https://doi.org/10.20885/jipro.vol5.iss2.art5>.

¹⁸ Wandu Subroto, "Analysis The Role of Law in Protecting Intellectual Rights and Their Relationship to Social Welfare," *INFLUENCE: International Journal of Science Review* 2, no. 2 (2020): 18–26, <https://internationaljournal.net/index.php/influence/article/view/172>.

logical provisions to be applied.¹⁹ Gustav Radbruch's theory emphasizes the relationship between legal validity and moral justice, which states that laws must be in line with fundamental ethical principles in order to be considered valid. Radbruch states that laws that fail to meet moral standards are invalid, which implies that trademark law must protect legitimate business interests and prevent unfair competition.²⁰ Trademark law has historically aimed to protect producers from unfair competition, in line with Radbruch's view that the law should uphold justice by protecting legitimate trade practices. Based on this idea, trademark law, as part of the legal norm, should also adhere to fundamental moral standards. Consequently, trademark law should balance the protection of legitimate business interests with the prevention of unfair competition, ensuring that the legal framework itself is fair and equitable. This interpretation is in line with Radbruch's broader goal of ensuring that all laws, including those governing commercial activities, are rooted in justice and fairness.

3.2. Main Challenges in the Implementation of Well-Known Trademark Protection Regulations in Indonesia

In essence, Law Number 20 of 2016 establishes an important foundation in protecting well-known trademarks, both registered and unregistered. Although Law Number 20 of 2016 does not provide proper protection, there are various weaknesses and limitations that can hinder business actors' interest in investing in the context of well-known trademarks in Indonesia. Some of the limitations identified in Law Number 20 of 2016 are explained as follows:

3.2.1. Absence of Philosophical Requirements

In the first context, the philosophical requirements in trademark law are a significant weakness. The importance of including philosophical aspects in the trademark registration process should not be overlooked, because a trademark is not just a name or label. A trademark reflects more than just the physical identity of a product or service; it also represents the values, identity, and philosophy underlying the product.²¹ The importance of including the philosophical requirements of the trademark to be registered is mainly related to the conditions in which a trademark dispute occurs, and the philosophy of the trademark is a means of proof in a trademark dispute.²² The philosophical basis is very

¹⁹ Niken Junika Sari, Ahmad Arif Zulfikar, and Sulaiman Dorlah, "Implementation of International Arbitration Awards in Indonesia from the Perspective of Legal Value Theory," *Jurnal Media Hukum* 31, no. 1 (2024): 167–185, <https://doi.org/10.18196/jmh.v31i1.20026>.

²⁰ Seow Hon Tan, "Radbruch's Formula Revisited: The Lex Injusta Non Est Lex Maxim in Constitutional Democracies," *Canadian Journal of Law & Jurisprudence* 34, no. 2 (2021): 461–491, https://ink.library.smu.edu.sg/sol_research/3808/.

²¹ Karlina Perdana and Pujiyono, "Kelemahan Undang-Undang Merek dalam Hal Pendaftaran Merek (Studi atas Putusan Sengketa Merek Pierre Cardin)," *Jurnal Privat Law* 5, no. 2 (2017): 84–92, <https://doi.org/10.20961/privat.v5i2.19398>.

²² Samuel Adhi Nugroho et al., "Collective Trademark as an Alternative to Shared Trademark Protection for Micro, Small and Medium Enterprises in Indonesia," *Diponegoro Private Law Review* 9, no. 1 (2023): 73–87, <https://ejournal2.undip.ac.id/index.php/dplr/article/view/20979>.

important for trademark registration when a dispute occurs to be a strong means of proof and to determine the true intent and impact of a trademark. A strong philosophical basis strengthens the legitimacy and validity of the trademark, ensuring that the trademark serves its intended purpose in the market. Ultimately, this philosophical basis is essential to resolving conflicts and maintaining a balanced and fair trademark system.

The provisions for the protection of well-known trademarks based on international law apply to all member countries of the Paris Convention. Indonesia itself has ratified the Paris Convention for the Protection of Industrial Property through Presidential Decree Number 15 of 1979 on Amendments to Presidential Decree Number 24 of 1979 on Ratification of the Paris Convention for the Protection of Industrial Property and the Convention Establishing the World Intellectual Property Organization. This then shows Indonesia's membership in the Paris Convention which in turn shows Indonesia's compliance with the Paris Convention. The ratification is accompanied by requirements (reservations), not bound by the provisions of Article 28 Paragraph 1 and Articles 1 to Article 12.²³ In this case, the content of the philosophical requirements regarding trademarks is indeed not contained in the Paris Convention, but ratification has shown that the Paris Convention is in accordance with or does not conflict with the values that live in Indonesian society. This is related to the regulations regarding the formation of legislation in Indonesia (Law Number 12 of 2011 on the Formation of Legislations as amended by Law Number 15 of 2019 and Law Number 13 of 2022). Therefore, with this ratification, the government provides legal certainty to well-known trademark owners regarding fair trademark protection.

3.2.2. Problems in Dual Understanding

The problem of the Directorate General of Intellectual Property's dual understanding regarding the rejection of trademark registration that is similar to a well-known trademark highlights the ambiguity in the assessment of "similarity" between the trademarks. Although Law Number 20 of 2016 confirms that trademark applications that are similar to well-known trademarks can be rejected, there are no clear criteria or adequate guidelines for assessing the level of similarity. As a result, the decision to reject or accept a trademark is often subjective and susceptible to different interpretations.²⁴

In addition, related to the criteria for well-known trademarks listed in Regulation of Ministry of Law and Human Rights (*Permenkumham*) Number 67 of 2016 is considered inadequate. This then led to the need for more ideal

²³ Tasha Salsabila, "Prinsip Iktikad Baik dalam Perselisihan Merek Asing Urban Revivo di Indonesia Analisis Putusan Nomor 01/Pdt. Sus-Merek/2021/PN. Niaga. Jkt. Pst." (Undergraduate Thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, Jakarta, 2023), Institutional Repository UIN Syarif Hidayatullah Jakarta.

²⁴ Nadhila Adani and Budi Santoso, "Kelemahan Perlindungan HKI di Indonesia Berdasarkan Undang-Undang tentang Merek dan Indikasi Geografis," *Notarius* 16, no. 1 (2023): 337–353, <https://doi.org/10.14710/nts.v16i1.39476>.

regulations regarding the criteria for well-known trademarks in Indonesia. Law Number 20 of 2016 and *Permenkumham* Number 67 of 2016 have basically provided an important foundation for the recognition of well-known trademarks in Indonesia. Currently, the implementation of this Law still faces various challenges, especially in determining objective criteria and sufficient evidence to recognize a trademark as a well-known trademark. The existing criteria can be considered too general and require clearer interpretation in practice. In order to formulate an ideal form of legal regulation for well-known trademarks in Indonesia, it is necessary to consider more detailed and specific changes to the law.²⁵ Therefore, determining the criteria for well-known trademarks is important. Implementation of Article 16 paragraph 2b and 2c in conjunction with Article 18 paragraph (3) of *Permenkumham* Number 67 of 2016 seriously implemented by the Indonesian Government will in turn demonstrate legal certainty that is just. The application of the criteria for rejecting trademark registration has contributed positively to increasing Indonesia's EODB.

The protection of well-known trademarks should be based on clear and consistent standards. These standards should include consideration of evidence of marketing, investment, and public awareness of the trademark. Evidence of strong marketing, substantial investment, and a high level of public awareness of a well-known trademark are important indicators for assessing the popularity and success of the trademark. With clear and consistent standards, trademark applications that imitate or resemble well-known trademarks can be handled more firmly and fairly, protecting legitimate trademark ownership rights and encouraging innovation and investment in the development of new trademarks.

3.2.3. Complexity on Three-Dimensional Trademarks Provisions

Three-dimensional trademark protection is one of the more complex aspects of trademark law in Indonesia. Although the concept of three-dimensional trademarks has been recognized, adequate explanations in the laws and regulations regarding the registration and protection process are still not clear enough. This creates uncertainty for three-dimensional trademark owners regarding their legal rights.²⁶ In addition, it is also necessary to ensure consistency between trademark and industrial design laws. Industrial designs are often closely related to three-dimensional trademarks, as the shape of a product is often an integral part of a trademark's identity.²⁷ Therefore, comprehensive protection of three-dimensional trademarks must also take into account the aspects regulated in industrial design laws and regulations. Consistency between

²⁵ Raden Handiriono, Irma Maulida, and Insan Kamil, "Redefinition of Famous Brand Related to The Application of Trademark Law Based on The Principle of Legal Certainty," *Cirebon International Conference on Education and Economics Proceeding* 1, no. 1 (2024): 517–521, <https://www.ejournalugj.com/index.php/cicee/article/view/9415>.

²⁶ Adani and Santoso, "Kelemahan Perlindungan HKI."

²⁷ Ana Wahyu Wijayanti and Indirani Wauran, "Merek Tiga Dimensi Dalam Hukum Merek Indonesia," *Jurnal Bina Mulia Hukum* 6, no. 1 (2021): 19–33, <https://jurnal.fh.unpad.ac.id/index.php/jbmh/article/view/354>.

these two areas of law will ensure that the rights of three-dimensional trademark owners can be guaranteed effectively and comprehensively.

In the United States, well-known trademarks of three-dimensional product packaging are protected under the concept of “trade dress.” Trade dress encompasses the overall appearance and image of a product, including its packaging, which acts as a source identifier for consumers.²⁸ Trade dress protection is governed by the Lanham Act, specifically Section 43(a) (15 U.S.C. §1125), which prohibits misleading representations in commerce that could confuse consumers about the source of goods or services. In addition, 15 U.S.C. §1091 Section 23 of the Lanham Act provides additional protection for distinctive product packaging by allowing for the registration of trade dress on additional registers.²⁹ To qualify for trade dress protection in the United States, three-dimensional product packaging must exhibit inherent distinctiveness or have secondary meaning. Inherent distinctiveness refers to unique features that inherently distinguish a product’s packaging from others in the marketplace, while secondary meaning is created when consumers associate a particular product’s packaging with a particular source or trademark.³⁰

Based on the above examples, the United States offers advantages over Indonesia in protecting recognized trademarks for three-dimensional product packaging due to its strong legal framework, inherent distinctiveness, and supplemental listing. The Lanham Act ensures comprehensive protection, prevents consumer confusion, and fosters trust.³¹ The supplemental listing offers additional legal protection for packaging that may not qualify for full trademark registration. Indonesia faces challenges in providing similar protection due to gaps in the legal framework, enforcement issues, and varying interpretations of intellectual property laws. Aligning regulations with international standards can enhance trademark protection and innovation.

3.2.4. Legal Culture: Low Public Legal Awareness Regarding Trademark Law

The Legal Culture of the Community is closely related to the legal awareness of the community. The higher the legal awareness of the community should be able to create a good legal culture and can change the mindset of the community towards the law so far. Unfortunately, the legal culture of the Indonesian community wants to make big profits, but does not want to work hard, and does not want to think. They want to make big profits by imitating or

²⁸ Rina Shahriyani Shahrullah et al., “Kepastian Hukum Merek Tiga Dimensi Dan Desain Industri: Studi Perbandingan Hukum di Indonesia, Amerika dan Australia,” *University of Bengkulu Law Journal* 6, no. 1 (2021): 60–81, <https://doi.org/10.33369/ubelaj.6.1.60-81>.

²⁹ Peter S. Menell, Mark A. Lemley, and Robert P. Merges, *Intellectual Property in the New Technological Age: 2019 - Chapters 1 and 2* (New York: Wolters Kluwer, 2019), <http://dx.doi.org/10.2139/ssrn.3415161>.

³⁰ Menell, Lemley, and Merges, *Intellectual Property in the New Technological Age*.

³¹ Shahrullah et al., “Kepastian Hukum Merek Tiga Dimensi Dan Desain Industri.”

pirating other well-known trademarks. This then shows that the low legal culture in Indonesia contributes significantly to the spread of trademark infringement.³²

Society attitudes that may favor imitation or devalue intellectual property, foster an environment where trademark infringement is more common, ultimately hindering the development of a strong and fair market. This can be seen, for example, from the culture of Indonesian consumer behavior that is still tied to the habit of buying counterfeit goods for economic reasons, thus making the problem of trademark protection in Indonesia even more complicated.³³ It is common knowledge that many products circulating in the Indonesian market are counterfeit products of well-known trademarks. The phenomenon that is currently widespread in the market is the widespread circulation of various kinds of famous foreign branded and luxury goods, but the goods circulating are counterfeit goods of these luxury goods.³⁴ In fact, there are several market areas in Indonesia that are known as places where counterfeit branded goods are traded.³⁵ This then shows that the problem of legal culture also arises from Indonesian society where some of them buy counterfeit goods of foreign well-known trademarks.

A positive legal culture, where stakeholders have a strong understanding of trademark law and demonstrate a constructive attitude towards intellectual property rights, is essential for its effective implementation in Indonesia. This foundation is strengthened by fair and consistent enforcement practices by relevant institutions, which ensure that violations are addressed and rights are protected. The synergy between public awareness and strong law enforcement creates an environment conducive to respecting and enforcing trademark law, thereby fostering a healthy and competitive market.

3.2.5. Regulation Disharmony

Disharmony of regulations can be observed in the Trademark Law and the Copyright Law which is caused by legal loopholes in the Trademark Law and the Copyright Law. The loss of legal protection is caused by legal loopholes in the Trademark Law and the Copyright Law, and because positive law does not

³² Anis Mashdurrohatun, Gunarto, and Latifah Hanim, "The Urgency of Legal Protection to the Trademarks in the Global Era," *Jurnal Pembaharuan Hukum* 5, no. 3 (2018): 259–276, <https://jurnal.hukumonline.com/a/5cb49d7001fb73000fcec1734/the-urgency-of-legal-protection-to-the-trademarks-in-the-global-era>.

³³ Lu Sudirman and Hari Sutra Disemadi, "The Role of Indonesian Online Marketplaces in Intellectual Property Rights Infringements: A Comparative Analysis," *Jurnal Pembaharuan Hukum* 10, no. 1 (2023): 90–103, <http://dx.doi.org/10.26532/jph.v10i1.30883>.

³⁴ Claudio Ricky Adhitya, Fidelia Evangelyn Abigail, and Florence Hermawan, "Fighting Fake Fashion: Legal Protection of Brand Owners Towards Counterfeit Branded Fashion Goods in the Lens of Intellectual Property Law," *Anthology: Inside Intellectual Property Rights* 1, no. 1 (2023): 1–17, <https://ojs.uph.edu/index.php/Anthology/article/view/6687>.

³⁵ Sudirman and Disemadi, "The Role of Indonesian Online Marketplaces," 96.

regulate and law enforcement officers are only mouthpieces of the law, these legal loopholes allow things to happen that are clearly against the law.³⁶

Disharmony between Copyright Law and Trademark Law in Indonesia can impact business owners primarily due to overlapping protections and enforcement challenges. This tension arises from the need to balance the rights of creators with the interests of trademark owners, leading to legal ambiguity that can stifle creative expression and innovation. Disharmony in regulations can lead to overlapping legal protections. Copyright protects original works of authorship, while trademarks protect trademark identifiers. Dual protection can lead to ownership disputes, especially when creative works also serve as trademarks (e.g., logos or character designs).³⁷ This overlap complicates legal recourse for creators, who may face challenges in asserting their rights against trademark claims.

Regulatory disharmony may also lead to problems in the enforcement process. Enforcement of both laws is often inadequate, with rampant piracy and inadequate legal frameworks exacerbating the situation. Businesses often use a variety of legal strategies, including copyright and trademark registration, to protect their interests, but these can be expensive and complex.³⁸ Conversely, some argue that the existence of these laws together can foster a stronger creative environment by encouraging creators to innovate while protecting their trademarks. However, without clearer regulations and enforcement mechanisms, these potential benefits may not be realized.

3.2.6. Law Enforcement

Weak enforcement of intellectual property laws and poor business culture in Indonesia have led to rampant violations of intellectual property rights among Indonesian society.³⁹ The reality of poor law enforcement in Indonesia can be seen from the circulation of fake well-known trademarks on the market. This then shows the inability of law enforcement officers to enforce the law. Law enforcement officers are one of the important elements of legal protection according to Lawrence M. Friedman. The absence of sufficient law enforcement then causes the implementation of well-known trademark law in Indonesia to be less than ideal.

³⁶ Haidir Rachman and Ummu Salamah, "Harmonization of Copyrights and Brands in Improving Community Competitiveness Through Creative Economy in Indonesia," in *3rd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2022)* (Paris: Atlantis Press, 2023), <https://www.atlantispress.com/proceedings/icblt-22/125984063>.

³⁷ Hendri Khuan, Loso Judijanto, and Sri Juminawati, "Legal Regulations Pertaining to Product Safety and Quality Standards in MSMEs Business in Indonesia," *The Easta Journal Law and Human Rights* 2, no. 2 (2024): 97–105, <https://doi.org/10.58812/eslhr.v2i02.210>.

³⁸ Emmi Rahmiwita Nasution and Loso Judijanto, "Legal Strategies for Protecting Intellectual Property Rights in Business A Case Study Creative Industry in Indonesia," *The Easta Journal Law and Human Rights* 2, no. 2 (2024): 80–88, <https://doi.org/10.58812/eslhr.v2i02.209>.

³⁹ Sudirman and Disemadi, "The Role of Indonesian Online Marketplaces," 96.

Law enforcement agencies often face challenges such as limited resources and knowledge of intellectual property rights, which hinder effective law enforcement.⁴⁰ Law enforcers, in this case investigators, prosecutors, and judges, need to have an adequate understanding of trademark law and trademark infringement law enforcement so that the trademark infringement law enforcement process can run smoothly.⁴¹ Although the current framework faces significant challenges, there is potential for improvement through targeted education and resource allocation. However, the ongoing problem of economic motivations for infringement suggests that without addressing the underlying economic factors, law enforcement efforts may remain inadequate.

3.2.7. Criteria for Well-known Trademarks in Indonesia

There is an important relationship between the recognition of well-known trademarks and market dominance in certain economic sectors. Depending on how the criteria for a well-known trademark are defined, it will provide legal limitations in various regions. The criteria for a trademark as a well-known trademark are the sales volume of goods or services and the profits obtained from the use of the trademark by its owner, the market reach controlled by the trademark in relation to the circulation of goods or services in society, the area of use of the trademark, the period of use of the trademark, the intensity and promotion of the trademark including the value of the investment used for promotion, trademark registration or application for trademark registration in other countries, the level of success of law enforcement in the field of trademarks, especially regarding the recognition of the trademark as a well-known trademark by the competent authority or the value attached to the trademark obtained due to the reputation and quality assurance of the goods or services protected by the trademark.⁴²

The problem in the criteria for well-known trademarks in Indonesia is related to the regulation of well-known trademark criteria in Indonesia which is still abstract. This can be seen from the limitations given to well-known trademarks which are only limited to words without any definite numbers or nominals that must be achieved to become a well-known trademark. The provisions that are still abstract in their application are still very subjective in nature, depending on the knowledge and beliefs of the judge in determining a decision. This will always provide room for different interpretations from law enforcers. Based on the results of the analysis, it is known that the regulation of well-known trademark criteria with concrete limitations in the form of a minimum number that must be met by a trademark to become a well-known

⁴⁰ Triyanto, "Copyright Law Enforcement: An Indonesia Case Study," *Journal of Intellectual Property Rights* 22, no. 5 (September 2017): 276–284, https://www.researchgate.net/publication/322759823_Copyright_law_enforcement_An_Indonesia_case_study.

⁴¹ Etty Indrawati, "Law Enforcement Against Trademark Infringement in Indonesia," *MATTER: International Journal of Science and Technology* 10 (2024): 125–138, <https://doi.org/10.20319/icstr.2024.3546>.

⁴² Is'ad and Riswandi, "Legal Protection for Well-known Trademark."

trademark is very important so that the benchmark in assessing the criteria for well-known trademarks becomes clearer.⁴³

3.3. Legally Certain and Fair Well-Known Trademark Protection Regulations to Encourage the Creation of a Conducive Climate for Investment in Indonesia

Given the limitations and weaknesses of Indonesian trademark protection law, an ideal system is needed to create a more favorable environment for investment and effective protection of well-known trademarks. This system, known as *Ius Constituendum*, must consider various factors to provide adequate protection for well-known trademark owners while encouraging investment. Here are some factors that must be considered in an optimal system for well-known trademark protection:

3.3.1. Inclusion of Philosophical Requirements

In the protection of well-known trademarks, it is important to include in-depth philosophical requirements in the registration process. This includes in-depth research on the nature of the trademark, its origins, and its contribution to society. This requirement will ensure that the registered trademark has a strong philosophical value and provides significant differentiation from other trademarks.⁴⁴ This is because “the philosophy of trademark registration is the fight against bad faith”.⁴⁵ The trademark to be registered must have a distinguishing element⁴⁶ that is expected to reflect the uniqueness of the product. This philosophy includes the trademark name, a brief history of the trademark name, and other information that supports the authenticity of the trademark to be registered and explains its differences from other trademarks.⁴⁷ There are levels in creating a trademark name to differentiate it from other trademarks. This is called the ‘spectrum of distinctiveness’ of a trademark which consists of generic, descriptive, suggestive, arbitrary and fanciful.⁴⁸ The use of this fanciful trademark name is desired so that there will be no similarities that cause trademark disputes. The fanciful trademark type will be more easily accepted

⁴³ I. Gede Mahatma Yogiswara Winatha, AA Gede Agung Indra Prathama, and Putu Chandra Kinandana Kayuan, "Comparative Analysis of Legal Protection and Criteria of Well-Known Marks (Indonesia, United States, India, China, and Germany)," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (2023): 43–54, <https://doi.org/10.22219/aclj.v4i1.23768>.

⁴⁴ Dara Quthni Effida, "Tinjauan Yuridis Penggunaan Merek Secara Tanpa Hak Menurut Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis," *Ius Civile: Refleksi Penegakan Hukum dan Keadilan* 4, no. 1 (2020): 81–91, <https://doi.org/10.35308/jic.v4i1.2001>.

⁴⁵ Agus Mardianto, "Penghapusan Pendaftaran Merek Berdasarkan Gugatan Pihak Ketiga," *Jurnal Dinamika Hukum* 10, no. 1 (2010): 45, <http://dx.doi.org/10.20884/1.jdh.2010.10.1.137>.

⁴⁶ John Frow, "Signature and Brand," in *High-Pop: Making Culture into Public Entertainment*, ed. Jim Collins (Malden: Wiley-Blackwell, 2002), 56–74.

⁴⁷ Pujiyono, Bambang Waluyo, and Reda Manthovani, "Legal Threats against the Existence of Famous Brands: A Study on the Dispute of the Brand Pierre Cardin in Indonesia," *International Journal of Law and Management* 63, no. 4 (2021): 387–395, <https://doi.org/10.1108/IJLMA-01-2018-0006>.

⁴⁸ Danny Friedmann, "Grafting the Old and New World, towards a Universal Trademark Register that Cancels Generic IGO Terms," in *Wine Law and Policy: From National Terroirs to a Global Market*, ed. Julien Chaisse, Fernando Dias Simões, and Danny Friedmann (Brill, 2021), 311–345, https://doi.org/10.1163/9789004438316_012.

when registering the trademark, is difficult for competitors to imitate, and has unique characteristics that differentiate it from competitors.⁴⁹

3.3.2. Compliance with International Standards

The ideal regulation should be fully compliant with international standards set out in international agreements ratified by Indonesia, such as the Paris Convention and the TRIPs Agreement. This will ensure that Indonesia fulfills its commitment to protect well-known trademarks and provide legal certainty for trademark owners. In addition, compliance with international standards will also increase the confidence of foreign investors to invest in Indonesia because they will feel more confident that their trademarks will be protected in accordance with international standards. In countries such as the United States and Japan, conformity with international standards in trademark protection has increased foreign investment and trademark development.⁵⁰ By aligning their trademark protection laws with international standards, these countries have created a more favorable environment for investment, as foreign trademark owners feel more confident in the protection of their intellectual property rights.⁵¹ In addition, international cooperation between law enforcement agencies and stakeholders has facilitated the exchange of information and evidence, allowing for more effective enforcement of trademark infringements involving parties from different countries.

3.3.3. Protection Power

An ideal regulation should provide adequate protection for well-known trademarks. This protection should include recognition of exclusive rights to well-known trademarks and prevention of the use of similar or identical trademarks by other parties that may cause confusion in the market. In the Indonesian context, clarity and legal certainty in the protection of well-known trademarks are important because it will minimize the uncertainty and doubt that may be felt by trademark owners, both domestic and foreign. When the rules and procedures related to the protection of well-known trademarks are clear and consistent, trademark owners will find it easier to understand their rights and how to protect their trademarks from infringement. This will encourage investment in trademark development in Indonesia because trademark owners feel more protected and supported by a clear legal framework. In addition, clarity and legal certainty are also important for foreign investors who want to expand their business to Indonesia. They will be more confident in investing their capital if they are sure that their intellectual property rights will receive

⁴⁹ WIPO, *Making a Mark: An Introduction to Trademarks for Small and Medium-sized Enterprises* (Geneva: World Intellectual Property Organization, 2017).

⁵⁰ M. Ilham Suryadirja, "Perlindungan Merek Terkenal Kemasan Produk Tiga Dimensi Di Indonesia (Studi Perbandingan Hukum Ketentuan Undang-Undang Merek di Amerika Serikat dan Indonesia)" (Thesis, Universitas Indonesia, Jakarta, 2012), 13, Universitas Indonesia Library.

⁵¹ Shahrullah et al., "Kepastian Hukum Merek Tiga Dimensi Dan Desain Industri."

strong protection and are guaranteed by Indonesian law. Therefore, in an ideal well-known trademark protection arrangement, Indonesia needs to ensure that the applicable rules and procedures are clear, consistent, and understandable to all parties involved, so as to provide the legal certainty needed to encourage investment and trademark development in the country.

3.3.4. Efficient Registration Process

An ideal arrangement should ensure that the process of registering well-known trademarks is efficient and transparent, with simple mechanisms and affordable costs. This will encourage trademark owners to register their trademarks in Indonesia and obtain stronger protection.⁵² In Indonesia, law enforcement related to well-known trademarks involves various aspects, including criminal, civil, and state administrative law enforcement. Cooperation between the government, law enforcement agencies, and trademark owners is needed to effectively monitor and prosecute violations of well-known trademark rights. Legal certainty and consistency of court decisions are essential for effective law enforcement.

To improve law enforcement, concrete steps such as establishing special units within law enforcement agencies dedicated to investigating and prosecuting trademark infringement are needed. These units should be equipped with the resources and expertise to effectively handle well-known trademark cases. Regular training programs for judges and law enforcement officers focused on trademark rights and law enforcement will improve understanding and application of the law. Strengthening cooperation between the government, trademark owners, and law enforcement agencies through task forces or committees can facilitate information sharing and coordination in handling trademark infringement. Strengthening the legal framework that supports effective law enforcement, including revising and improving laws related to well-known trademark protection, is essential. Thus, effective enforcement of well-known trademark laws will provide certainty for trademark owners and encourage investment in trademark development in Indonesia.

3.3.5. Effective Law Enforcement

The regulation should support effective law enforcement against infringement of well-known trademarks. This includes a system that can provide firm and effective sanctions against trademark infringement, including adequate criminal and civil sanctions. Indonesia as a member of various international agreements related to intellectual property rights, including trademark rights, has committed to protecting well-known trademarks in accordance with the provisions stipulated in the agreements. For example, Indonesia has ratified the TRIPs Agreement which is part of the WTO agreement, which provides guidelines and minimum standards for the protection of well-known trademarks.

⁵² Perdana and Pujiyono, “Kelemahan Undang-Undang Merek dalam Hal Pendaftaran Merek.”

However, although Indonesia has joined various international agreements, the implementation and enforcement of these agreements remain a challenge. This can be caused by various factors, including limited resources, lack of capacity in law enforcement, and lack of harmonization between national laws and provisions in international agreements.

To improve the effectiveness of well-known trademark protection through international agreements, concrete steps are needed, such as improving coordination between various related institutions in implementing the provisions of international agreements, increasing capacity in law enforcement and supervision, and revising or improving national laws to be in line with the provisions of ratified international agreements. Thus, international agreements can be an effective tool in improving the protection of well-known trademarks in Indonesia and encouraging investment in trademark development.

3.3.6. International Cooperation

International cooperation, particularly in the exchange of information and evidence, has significant potential to improve enforcement of well-known trademark protection. Sharing best practices and expertise among countries can improve their enforcement mechanisms. Cross-border law enforcement coordination is essential to track and prosecute trademark infringements involving parties from different countries, leading to more effective law enforcement and protecting the rights of trademark owners. In addition, such cooperation can enhance Indonesia's reputation as a responsible global member committed to enforcing intellectual property rights and fostering an investment-friendly environment.

An ideal arrangement should prioritize international cooperation in the exchange of information and evidence, as well as cross-border law enforcement coordination, to enable more effective enforcement of cross-border well-known trademark infringements. However, challenges remain, including limited coordination among relevant national institutions. Although Indonesia has ratified international treaties on trademark protection, suboptimal coordination among ministries, law enforcement agencies, and stakeholders hampers implementation efforts. In addition, aligning national laws with international treaties is a challenge in itself, requiring significant time and effort.

In general, concrete steps are needed involving various related parties such as improving coordination between related institutions, such as the Ministry of Law and Human Rights, the Ministry of Trade, and other intellectual property rights institutions. Good coordination will ensure that policies and actions taken are in line with the objectives of protecting well-known trademarks. Furthermore, formulating policies that support the alignment of national laws with international agreements is also an important step. In addition, increasing the capacity of related institutions in understanding and implementing well-known trademark protection standards is also very important. Intensive training

and education will help improve understanding of the complexities of trademark law and encourage more effective enforcement. These efforts aim to improve the implementation and enforcement of international agreements related to the protection of well-known trademarks in Indonesia. Thus, it can be expected that well-known trademark protection will be more effective for trademark owners and will encourage investment in trademark development domestically, bringing positive impacts to the economy and innovation in Indonesia.

4. CONCLUSION

In the era of globalization and tight business competition, Indonesia as a developing country needs legal action that can provide certainty and adequate protection for well-known trademarks that choose to invest in it. An ideal legal framework is needed with the need to consider comprehensive and in-depth aspects, including trademark registration and protection mechanisms, effective dispute resolution, and attractive legal incentives for trademark holders. Thus, a conducive economic and trade order can be created, which not only minimizes the risk of trademark infringement but also ensures that justice and legal certainty become the main pillars in every investment activity in Indonesia.

This research has analyzed a series of challenges faced in protecting well-known trademarks in Indonesia. In its identification, it has been found that the absence of philosophical requirements, the existence of dual understanding problems in the law, the complexity of three-dimensional trademark provisions, the low legal culture of society, the existence of disharmony in regulations, weak law enforcement and provisions regarding trademark criteria, have been found as problems that exist in efforts to protect well-known trademarks in Indonesia.

Furthermore, regarding the idea of an ideal well-known trademark protection system, there are several crucial factors that need to be considered. First, the inclusion of philosophical requirements in the registration process to ensure that the registered trademark has a strong philosophical value and provides significant differentiation from other trademarks. Second, compliance with international standards to ensure globally recognized trademark protection and provide legal certainty for trademark owners. Third, adequate protection strength by providing recognition of exclusive rights and prevention of the use of similar or identical trademarks by other parties that can cause confusion in the market. In addition, an efficient and transparent registration process needs to be implemented, supported by effective law enforcement to prevent violations of well-known trademarks. International cooperation is also key, especially in the exchange of information and evidence and coordination of cross-border law enforcement.

Through concrete steps such as improving coordination among related institutions, aligning national laws with international agreements, and improving the capacity of related institutions, it is hoped that the protection of well-known trademarks will become more effective. Thus, an ideal well-known trademark protection system will encourage investment in domestic trade development and have a positive impact on the economy and innovation in Indonesia.

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