

## THE JURIDICAL ASPECT OF THE PROTECTION OF TRADEMARK RIGHTS AGAINST HOMONYMOUS SIMILARITY IS LINKED TO THE ONLINE TRADEMARK REGISTRATION SYSTEM

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**Abstract:** *For producers, brands are used as a sign of identity or self-description for their products which can be a differentiator for one product and another as well as leg earrings used by songbird breeders which can be a differentiator between one songbird and another, because the brand can be a differentiator, actually the brand can be a deterrent to unhealthy business competition, Because consumers can also distinguish the source or origin of a product seen from one brand to another based on the taste, quality, quantity, and superiority of each brand with the goods or services offered The development of the times in the era of globalization makes level 7 buyer satisfaction not only determined by the quality of the goods or services used, but also seen from the satisfaction of one's prestige in using famous brands. Not infrequently in people's social life there is an assumption that the brand of goods or services used can show the social status of the brand user.1 so that the brand finally has valuable commercial capabilities for producers. Although there are laws governing this trademark right, there are still many individuals who unlawfully imitate or plagiarize other people's brands. Many trademarks of trade products, especially those that are well known in the community, are plagiarized, imitated, made to resemble both in terms of writing and pronunciation, or even blatantly used unlawfully, so that this causes harm to producers and consumers who think the goods they buy are genuine goods, but it turns out to be fake.*

**Keywords:** *Brand, Trademark Registration, Homonymous Similarity.*

## I. INTRODUCTION

A mark is a sign to distinguish similar goods or services produced or traded by a person or group of people or legal entities with similar goods or services produced by others, which have distinguishing power or as a guarantee of their quality and are used in trading activities for goods or services. The absolute requirement of a mark that must be met by every person or legal entity who wants to use a brand, in order for the mark to be accepted and used as a mark or trademark, the absolute condition that must be met is that the mark must have sufficient distinguishing power. In other words, the mark used must be such that it has enough power to distinguish goods produced by one person from goods or services produced by others. Because of the existence of the brand, the goods or services produced become distinguishable.

## II. RESEARCH METHODS

The research method used in this study is doctrinal research method, namely research of legal rules, principles, concepts or doctrines. It involves rigorous systematic exposition, analysis, and critical evaluation of the rule of law, principle or doctrine, and its interrelations. It is concerned with a critical review of legislation and the decision-making process and underlying policies.

## III. RESULTS

The survey was conducted on September 8 at the Beber 2022 Subdistrict Office before the socialization of online trademark registration for MSME actors. On September 21, 2022, research was carried out at the Beber District Office by conducting "Socialization of the Trademark Law and Geographical Indications and Procedures for Registering Trademark Rights Online". This activity was attended by MSME actors from 10 villages in Beber District. In this activity, an explanation of rights was given brand and its protection of registered marks.

The trademark registration procedure can be done online as follows (Terms and procedures for trademark registration, 2021): Requirements: 1. Brand Etiquette/Label 2. Applicant's Signature 3. Recommendation Letter for Assisted SMEs or Certificate of Service-Assisted SMEs (Original) - For Micro and Small Business Applicants. 4. Stamped UMK Statement Letter - For Micro and Small Business Applicants.

- The procedure includes ordering the billing code in <http://simpaki.dgip.go.id/>
- Select 'Brand and Geographical Indication' on the type of service.
  - Select 'Application for Trademark Registration Filed By
  - Select 'Micro and Small Business' or 'General'
  - Select 'Electronically (Online)'
  - Enter Applicant Data and Application Data (name, full address, email and mobile number, etc.)
  - Make PNBP payments via ATM/internet banking/m-banking
- Create Account: Log in to the brand account <https://merek.dgip.go.id/> Select "Apply Online"
- Step 1 : Select the type of application, enter the billing code that has been paid
  - Step 2 : enter Applicant Data
  - Step 3: filled in if the application is with a power of attorney (IP consultant)
  - Step 4: filled if it has priority rights
  - Step 5: enter Brand Data

- Step 6 : enter Class Data by clicking "Add",
- Step 7 : click 'Add' to upload the required document attachment
- Step 8: Preview (make sure all your data is correct)
- Step 9 : Print Draft Receipt • Click "Done"

Of some MSME players, there are brands that have been registered, but most are still not registering the brand. MSME players enthusiastically welcome this activity, because MSME players feel that this activity provides benefits for MSME players to be able to know the technicalities of registering brands online and also know how to market their products online.



#### IV. CONCLUSION

The conclusion of this study is that there are several obstacles faced by the pelaku MSMEs in registering marks online, namely the knowledge of MSME actors on trademark registration is fairly minimal, especially MSME players in the regions, the existence of paid registration makes MSME players tend to wait for free government programs, the issue of differences in the price of determining trademark registration makes MSME actors confused and hesitant to register their trademarks, as well as MSME actors who are still not familiar with the online system. The solution that will be carried out from these obstacles is the need for assistance from the Ministry of MSMEs represented by the local government in collaboration with villages and other village officials, 14 scheduling and introduction to the existence of MSME communities for new business actors, as well as *sharing sessions* and seminars involving the government, academics and MSME actors.

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