
EMPIRICAL STUDY OF BRAND REGISTRATION AWARENESS BY UMKM

Normalita Destyarini^{1*}, Nadila Dwi Rahmawati², Miftia Nur Annisa³

Duta Bangsa University Surakarta^{1,2,3}

*Correspondence Email: normalita_destyarini@udb.ac.id

ABSTRACT

The business sector can never escape intellectual property. Every business conducted must have intellectual property contained therein. Intellectual property in question can be in the form of trademarks for business actors. In order to protect the economic value of business actors which is a priority value for business actors. For this reason, it is important to socialize and provide guidance to the community of business actors in Surakarta City which is adjusted to the provisions of Law Number 30 of 2000 concerning Trade Secrets and Law Number 20 of 2016 concerning Trademarks and Geographical Indications. The output of the activity is in the form of scientific publications, integration in intellectual property law. courses and uploading videos of activities on the YouTube platform.

KEYWORDS

Intellectual Property; Trademark; Business;



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INTRODUCTION

Indonesia is one of the developing countries that is aggressively carrying out development in all fields, both in the field of infrastructure that supports the needs of the domestic community and the economic sector.¹ The MSME sector is one of the pillars of the national economy. Law no. 20 of 2008 explained that UMKM is a legal umbrella for implementing programs related to the regulation of the implementation of UMKM.²

MSME itself is the productivity of independent/stand-alone business units carried out by individuals or business entities in all economic sectors. The MSME sector is different from the informal sector even though it has several similarities. One of the obvious similarities is that the existence and continuity of both in the contemporary economic system is not a negative symptom, but instead plays a role in income distribution and contributes to the progress of the nation's economy.³ The business sector can never escape intellectual property. Every business undertaken must have intellectual property contained therein. Intellectual property in question can be in the form of trademarks for business actors, despite the scale of business carried out in business actors in general, all business actors have a brand, both used in the trade of goods and services. Business actors consider that intellectual property protection is not an important thing. This is evidenced by the lack of trademark registration at the DGKI. DJKI registration

statistics show that during the period January-September 2021 there were 109,721 applications for intellectual property until September 2022 the application reached 136,131 applications. In fact, according to the *World Intellectual Property Rights* (WIPO), MSMEs have a lot of potential for the growth and development of innovation and creativity in products. However, unfortunately the awareness of business actors on the importance of utilizing Intellectual Property Rights to support their business activities is still low.⁴

The large number of Micro, Small and Medium Enterprises (MSMEs) in the city of Surakarta, there are also many varieties of business brands that are produced. Therefore, it is likely to cause potential problems in the future, namely the misuse of trademarks by irresponsible parties because Micro, Small and Medium Enterprises (MSMEs) are not authorized to use trademarks has legal protection if the trademark of Micro, Small and Medium Enterprises (MSMEs) has not been registered trademark. This will be detrimental to the parties who should get their rights if disputes arise in the future.⁵ Trademark protection for businesses also maintain the economic value of a product, where the product is protected intellectual property has the value of economic *rights*, namely the economic value that will be obtained from a protection of intellectual property.⁶ This will certainly increase product profits for producers and if every business actor in Surakarta City is aware of protecting their products on intellectual property, it will help the region in increasing economic value in the region, because if the economic value of a product increases because it is protected by intellectual property, the regional income from the sale of the business actor's product will automatically increase.

Partners in service activities as business actors who are members of the Surakarta City MSME association by providing support for MSMEs managed by women as economic agents so that it can be said that partners in this service activity have carried out their business activities. Partners in this case the Indonesian Business Women's Association has branches in every province, city and district in Indonesia. The need for education related to brand protection awareness in carrying out business activities.⁷

However, the main problem of business actors in Surakarta City is the lack of awareness of business actors to register trademark names in the protection of intellectual property, especially trademarks and lack of knowledge and information related to how trademark protection and trademark protection registration procedures. With the passivity of business actors in an effort to protect the name of the company also has an impact on competitiveness with other business actors in the market that will affect the economic value of both the product as well as for the producer which in turn will affect the economic income of the sector in the area which one of the sources is from business actors.

Problems experienced by partners in terms of problems in the field of marketing and problems in the field of law. Problems experienced by partners in the field of marketing in the form of ownership of the brand because the brand as a new marketing strategy in displaying, selling or delivering products to buyers, it can be said in entrepreneurship is a brand strategy by making the brand as a major asset that is fixed and has a positive influence on consumers.⁸ So that the position of the brand in the field of marketing to a business has the same asset value as the provision of intellectual property protection in the legal aspects that protect the economic value of intellectual property holders in this case the brand.⁹ The problem is related to the field of law in the form of awareness of the registration of trademarks conducted by entrepreneurs by registering his trademark.

Based on what has been described above, it states that the protection of trademarks for business actors in Surakarta City has an urgency that needs to be considered in order to protect the economic value of business actors which is a priority value for business actors.

For this reason, it is important to have socialization and guidance to the community of business actors in Surakarta City which is adjusted to the provisions of Law Number 30 of 2000 concerning Trade Secrets and Law Number 20 of 2016 concerning Trademarks and Geographical Indications.¹⁰ So that this activity has a goal to provide economic protection for business owners in maintaining the economic rights obtained.

The solution offered is to conduct socialization related to (i) the introduction of intellectual property in general and then specifically on trademark intellectual property so that business actors can find out related to intellectual property. intellectual property on business activities so that it is expected to make information for business actors on intellectual property that is protected by the state (ii) provide an understanding related to the importance of intellectual property registration as legislation in this case the trademark of a product owned by the business actors so that diharapkan later can increase awareness of business actors in registering the name of the trademark (iii) trademark registration procedures owned by business actors. After the socialization, then conduct guidance to businesses in registering intellectual property products in the form of trademarks.

No.	Problems	Solution	Impact
1	Lack of awareness of business actors registering trademark names	Socialization of the introduction of intellectual property in general and then specifically specifically at intellectual property brands so that business Actors can find out related with intellectual property on an activity business	Partners are aware of IP, the importance of IP registration
2	Lack of knowledge and information related to how trademark protection and trademark registration procedures. trademark protection registration	Providing information on trademark registration procedures and registration guidance brand	Partners are aware of the trademark registration procedure

RESEARCH METHODS

In this study using the method of empirical juridical approach, in order to overcome these problems, the method used in overcoming the problem of the lack of awareness of business actors in the city of Surakarta on the importance of intellectual property protection devoted to the Trademark of the product through the socialization of the introduction of Intellectual Property, especially Trademark as Trademark. regulated in Law Number 20 Year 2016 on Trademarks and Geographical Indications so that business actors become aware of the importance of protecting the intellectual property of their products which is a form of safeguarding the economic value of the products they own. In the socialization also provides an overview of the definition of Trademark, and the procedure in registering a trademark so that businesses know the importance of a product is protected legally. And guidance on registration of trademark protection and trade secrets of a product.

The steps taken to overcome the problems as described above are as follows: (1) Socialization of the introduction of Intellectual Property, Trademarks; (2) Socialization of the importance of trademark protection in maintaining the economic value of a product; (3)

Guidance to business actors in the procedure of registering trademarks in order to provide trademark protection for business actors;

The work procedures carried out to support the realization of the method offered are focused on the efforts of business actors in Surakarta City in protecting their products through intellectual property brands. This activity is packaged in several stages of socialization, ending with discussion and questions and answers. And guidance on trademark registration for businesses. Partners in this case as business actors act as objects of service as a place for implementing service and as participants in implementing service. Monitoring and evaluation in community service activities is carried out with indicators of understanding before and after socialization guided by the pre-test and post-test of the implementation of community service. As well as evaluation in the form of brand registration assistance for business actors.

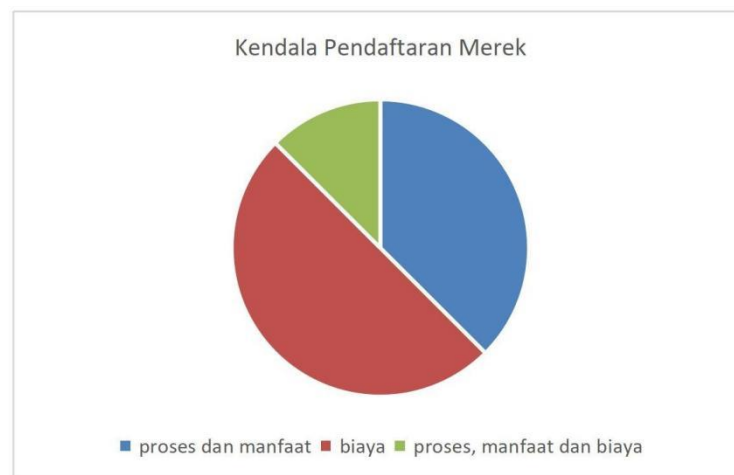
IMPLEMENTATION RESULTS

This activity is carried out to overcome problems in the form of a lack of knowledge related to the importance of intellectual property registration on business products, the process of registering a brand and the importance of a brand for a business owned. The process in overcoming these problems, researchers used a method consisting of three stages of preparation, implementation and evaluation with the following explanation:

1. Preparatory activities are carried out in order to get the right participants, preparatory activities are carried out by conducting surveys in advance to coordinate the objectives of the activities carried out and the similarities in perceptions related to the problems faced by partners. Survey activities resulted in the location of the implementation of activity participants. Determination of participants who are selected by meeting the criteria such as having businesses in the Surakarta City area, the scale of participants in this service activity falls into the category of Micro, Small and Medium Enterprises and is actively conducting business activities.
2. The implementation stage is done in the form of:
 - a. Providing socialization in the form of basic knowledge about brands at this stage provides education to participants by preceding the scope of intellectual property law. Providing an overview in the form that there is intellectual property in a business in the form of trademarks, copyrights, patents and industrial designs. at this stage, filling out a questionnaire in the form of a business name question, the participants already have a business name as an identity, this shows that the business actors already know the business brand, further researchers asked questions on the questionnaire to the service participants to measure the awareness of the participants to register their business name into a trademark, this shows that the awareness of the participants to register their business name into a registered trademark for businesses is still a lot do not know the importance of trademark registration for their business. this is shown based on data on the number of businesses that have registered their trademarks. This is shown based on data on the number of businesses that have registered their business brands.



Based on these data, the number of businesses that do not have a trademark is greater than businesses that already have a trademark, businesses that are still in the process of processing trademark registration and there are still a few businesses that do not have a trademark. Furthermore, it is necessary to know the causes of the participants have not registered the business name into a brand. Researchers limit the constraints of participants who fall into the category of unregistered business brands in the form of knowledge regarding the trademark management process, financial constraints in this case bear the cost of trademark registration, as well as the benefits of registering a business brand owned. This is evident from the data that researchers obtained.



As the data presented above, it can be seen that the biggest obstacle experienced by participants in registering their trademarks is caused by cost, then followed by knowledge regarding the process and benefits of registering their business name into a trademark and the third obstacle experienced by business owners in the form of cost, knowledge regarding the procedures and benefits of registering a business name into a trademark. On the basis of the acquisition of these data makes the author provide socialization of the process and benefits of registering a business name into a trademark for business people.

Socialization also includes providing an explanation of the process and benefits of registering a business name into a trademark. That in registering a

trademark first the business owner has a distinguishing power with other business names. The mark that is owned is easy to remember and can be realized in graphic form or can be indicated by letters/numbers (written), such as words, images/logos, sounds through notation blocks/numbers, holograms or three dimensions. The type of mark is in the form of words, logos, Latin names, combinations of words and paintings, dimensional types, holograms and numbers. With the condition that the mark protected as a trademark is required not to intersect with the type of product (goods and services), does not conflict with the legislation, is not complicated or general in nature. So that participants in registering with the following stages:

- 1) The applicant has already owned the design of the mark for registration.
- 2) The applicant fills out the complete application form on the www.merek.dgip.go.id page online
- 3) The DJKI gives consideration to registering a mark to refuse or accept, in the case of avoiding refusal then the applicant must have specified the following matters:
 - a. Determine the classification of types of goods and services based on the *Nice Classification* found on the page www.wipo.int/classifications/nice/en/

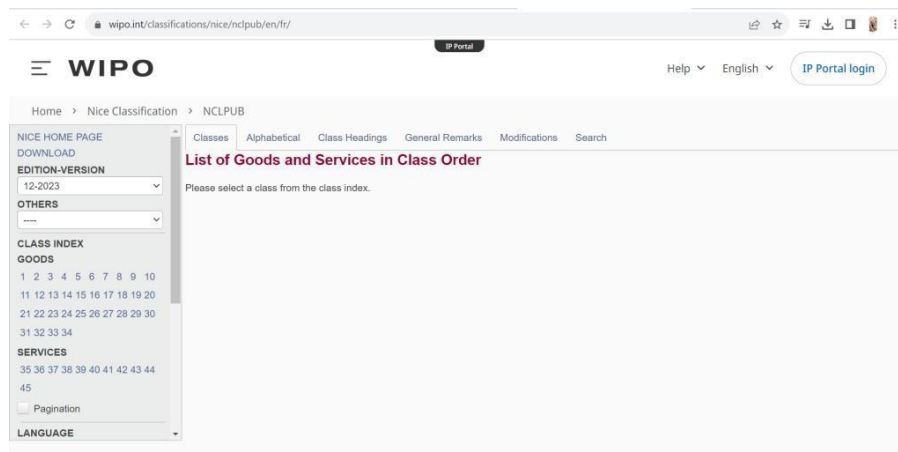


Figure 1. List *Nice Classification*

- b. Tracing the brand to avoid brand rejection so that the process of The registration of the trademark is faster and the applicant can exercise his right to protect his trademark. Search can be done on the page display pdki-indonesia.dgip.go.id/
 - 4) The applicant selects the classification type:
 - a. Individual
 - b. Regional Office of the Ministry of Law and Human Rights
 - c. IP Consultant
 - d. Local Government
 - e. IP Center with supporting documents
 - f. Local Government
 - g. Ministries and Agencies
 - h. Legal Entity
 - i. Educational Institutions, upload supporting documents
 - j. Research and Development Institute, accompanied by supporting

- documents
- k. MSMEs, accompanied by supporting documents
 - l. Other institutions
- 5) Applicant will receive a *billing code* and then fulfill online registration for 14 days.
 - 6) After the data is complete, the applicant can print the registration receipt.



Gambar 32. Tahap Pelindungan Pendaftaran Merek

Figure 2. Flow of Trademark Registration

Trademark registration of a business has benefits for the business itself, this is indicated by obtaining recognition by the state so that the trademark holder gets protection of the intellectual property.

- a) Tools to support promotion. A trusted brand can attract the attention of consumers to buy products more than once, that is, products with certain brands attract the attention of buyers, which means the company can promote its products.
 - b) Maintaining market or sales levels. Efforts to maintain or develop product quality will lead to consumer loyalty to the product brand.
 - c) Reduce the impact of price competition. To some extent, consumer loyalty to a purchased product will reduce the likelihood that consumers will switch to another product, unless price differences per product are considered.
 - d) Fine products. If you want to add a new type of product in an existing product market, brands can support new product lines entering the market.
3. At the end of the activity, a discussion was held regarding the intellectual property aspects of the trademark and legal consultation, the participants were very enthusiastic about asking questions, business actors whose business names had been registered as trademarks did not know how to see the certificate as proof of ownership of the trademark. Questioning the feasibility of logos owned to be submitted to trademark registration. As well as the sharing session that there are benefits of trademark registration that a business that has been registered trademark then get protection in the form of compensation in the event of legal events that have an impact on a business.

Community service activities have run smoothly and in accordance with what is contained in the community service proposal. During the activity, the

participants responded and were enthusiastic, this can be seen in the discussion and question and answer sessions. Community service activities run well and optimally.

CONCLUSION

The main problem of business actors in Surakarta City is the lack of awareness of business actors to register trademark names in the protection of intellectual property, especially trademarks and the lack of knowledge and information related to how trademark protection and trademark protection registration procedures. The solution provided is in the form of socialization of the introduction of intellectual property in general and then specifically on intellectual property brands so that businesses can know related to intellectual property in a business activity, providing information on trademark registration procedures and guidance on trademark registration, and providing information on trademark registration procedures and guidance on trademark registration.

REFERENCES

- B.P.M. Jaya, M. Fasyehhudin and W. Naddifah, GOVERNMENT POLICY ON BRANDS IN PROVIDING LEGAL PROTECTION TO MSMEs, Journal of Law and Human Rights. Scientific "Advocacy" Vol 10, No. 02, 2022.
- B. Siallagan, V. Iiat, and T. Runtu, 'EVALUATION OF TAX RECEIPTS OF SMALL AND MEDIUM ENTERPRISES (MSMEs) AFTER THE ISSUANCE OF THE GOVERNMENT REGULATION NOMOR 23 YEAR 2018 IN TOMOHON CITY', GOING CONCERN: JOURNAL OF ACCOUNTING Riset, vol.15, no. 3 , 2020, doi: 10.32400/gc.15.3.28876.2020. <https://jurnal.untag-sby.ac.id/index.php/abdikarya/article/view/7250/5125>
- Dian Novita, INTELLECTUAL PROPERTY RIGHTS FOR INTELLECTUAL PROPERTY HOLDERS, Journal of "JENDELA HUKUM" FACULTY OF LAW UNIJA, Vol.7, No.1, 2020.
- Fandy Ahmad, Juridical Review of Disputes on the Validity of a Trademark and Copyright, Journal of Private Law, Vol.VII, No.1, January - June, 2019. <https://online-journal.unja.ac.id/Zaiken/article/view/18845/14486>
- Gunawan, Egi Rizki Maulana Putra, Protection and Assistance of Intellectual Property Law in Trademark Registration for MSME Actors in Cililin Village, Al- Manhaj: Journal of Islamic Law and Social Institutions, vol 5, no 1, 2023.
- Wizna Gania Balqiz, Trademark Protection as Intellectual Property Rights: Study in Semarang City, Indonesia, journal of judicial review, 2021.
- Septi Indrawati, Budi Setiawan, Legal Awareness Counseling for the Protection of MSME Products in Kebumen Regency through Trademark Registration, umpwr journal, vol.4, no.2, 2020. <http://jurnal.umpwr.ac.id/index.php/abdimas>
- Sholahuddin Al-Fatih, Analysis of the Relationship between the Concept of Trademark and Domain Name: A Study of Intellectual Property in Indonesia, journal of judicial review, 2021.

Yuliana Maulidda Hafsari, INTELLECTUAL PROPERTY RIGHTS, BRAND RIGHTS, TRADE SECRETS, AND VIOLATION OF BRAND RIGHTS AND TRADE SECRETS AND RIGHTS

PATENT (LITERATURE REVIEW ARTICLE), journal of applied management science, vol.2, no.6, 2021. <https://doi.org/10.31933/jimt.v2i6>

R. Budiarto et al., MSME Development Between Conceptual and Practical Experience. UgmPress, 2018.