

LEGAL PROTECTION OF TRADEMARK INTELLECTUAL PROPERTY RIGHTS IN THE DIGITAL ERA BY THE DIRECTORATE GENERAL OF INTELLECTUAL PROPERTY

Deri Taraka

Universitas Lampung

Deritaraka2020@gmail.com

Abstract

Brands become particularly vulnerable to various forms of infringement, such as counterfeiting, misuse, and unauthorized use by irresponsible parties. Based on the description of the problem that has been explained, the formulation of the problem in this study is how is the legal protection of trademark intellectual property rights in Indonesia in the digital era based on the applicable laws and regulations? And what are the challenges faced in law enforcement related to brand protection in cyberspace, especially in the context of brand infringement that occurs on digital platforms? Based on the results of the study, it was found that trademark protection in Indonesia adheres to the constitutive principle, namely the trademark that receives protection is a trademark registered with the government, trademark registration is only given to the first party who submits the application, in accordance with the principle of first to file so that to get legal protection, the brand owner must register his trademark in this case. In Article 3 of the Trademark Law, the state grants the right to a trademark to the owner of a trademark registered in the general register of the trademark to use the trademark itself or to give permission to another party to use it. There are other serious challenges, such as brand misuse on digital platforms, difficulties in cross-border law enforcement, lack of an effective enforcement system, anonymity of offenders, and low legal understanding among business actors.

Keywords: Trademarks, Legal Protection, Brand Challenges

A. INTRODUCTION

In the internet era, *e-commerce platforms* such as Shopee, Tokopedia, Lazada and others allow buyers and sellers to transact without geographical restrictions. Nonetheless, this progress has been accompanied by new issues, especially those related to the protection of intellectual property rights, especially trademark rights. Because a brand reflects the identity and reputation of a product or service in the eyes of consumers, brand rights are an important asset for companies. According to some experts who examined the definition of IPR, it shows that Intellectual Property Rights protect the applicant of ideas and information that are valuable to the business. Previous studies have shown that Intellectual Property Rights are essentially a unique right because they are granted by the state, in accordance with the provisions of the law, to grant these rights to the rightful in a manner and conditions that must be met. Trademark rights protection protects brand owners from illegal actions. It also protects consumers from counterfeit goods that can harm their finances and health. Law Number 20 of 2016 concerning Trademarks and Geographical Indications regulates the protection of trademark rights in Indonesia.¹

The Paris Convention for the Protection of Industrial Property also known as the Paris Convention, the Berne Convention, and the World Intellectual Property Organization (WIPO) is the first treaty in the world to regulate the protection of intellectual property rights. This convention regulates intellectual property rights such as patents, designs, and others. This convention was made on March 20, 1883, and has been changed several times (revisions). The Berne Convention made in Switzerland in 1886 on the protection of works of art and literature constitutes an international agreement on copyright. Furthermore, the International Intellectual Property Organization (WIPO) was established in 1967 to encourage creativity and introduce intellectual property protection worldwide. The rapid

¹Syahrul Akbar Syaifulloh. "Juridical Analysis of Trademark Rights Protection in the Digital Age: A Case Study on Trademark Rights Infringement on the Shopee Marketplace Platform." *UMP: Social Sciences & Humanities* 17 (1), (2024): 434. <https://doi.org/https://doi.org/10.30595/pssh.v17i1>.

development of digital technology has had a significant impact on various aspects of life, including in the world of business and the creative industry. One of the areas affected by the digital revolution is intellectual property rights (IPR), especially related to brands. Brand abuse through imitation or counterfeiting, be it in the form of using logos, brand names, or similar packaging designs, is increasingly prevalent in cyberspace. This is certainly detrimental to brand owners who have invested time, cost, and effort in building the brand image.²

Although in Indonesia there have been various regulations related to trademark protection, such as Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the implementation and enforcement of the law against trademark infringement in the digital world still faces various obstacles in terms of protection and law enforcement. Difficulties in law enforcement on digital platforms, lack of awareness of the importance of brand protection, and jurisdiction-related issues in dispute resolution are some of the issues that need to be addressed.³

The objectives of the research in this scientific journal are to analyze the legal protection of trademark intellectual property rights in Indonesia in the digital era based on applicable laws and regulations, including identifying advantages and disadvantages in existing regulations. To identify the challenges faced in law enforcement related to brand protection in cyberspace, especially those related to trademark infringement that occurs on digital platforms, as well as obstacles in the implementation of existing laws. To evaluate the effectiveness of the implementation of the Trademark Law and Geographical Indications in providing legal protection for trademark rights in the digital world, as well as to find solutions to existing weaknesses. To explore the factors that affect the low awareness of business actors, especially MSMEs, on the importance

²Iswi Hariyani. 2020. *Procedures for Managing Intellectual Property Rights*. Yogyakarta: Pustaka Yustitia, p.89.

³Sheilindry. 2021. "Protection of Intellectual Property Rights in Electronic Business Contracts for Trademark Rights Holders." *J. Simbur Cahaya* 28 (2): 24. <https://doi.org/https://doi.org/10.28946/sc.v28i2.1317>

of legal protection for brands in cyberspace, in order to provide recommendations in improving brand understanding and registration. To explore trademark dispute resolution mechanisms in the digital world, particularly related to issues involving international platforms and cross-jurisdictional jurisdictions, as well as provide recommendations for improvement. As well as to provide policy recommendations and steps that need to be taken by the government, legal institutions, and industry players in strengthening legal protection for brands in the digital era, including the development of regulations and a more effective dispute resolution system. The purpose of this research aims to provide a comprehensive overview of brand protection in the digital context and provide useful recommendations for strengthening existing brand protection systems in Indonesia.

B. RESULTS AND DISCUSSION

1. Legal Protection of Trademark Intellectual Property Rights in Indonesia in the Digital Era

Legal protection of intellectual property (IPR) rights, especially trademarks, in Indonesia is regulated by Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Trademarks as a form of intellectual property rights (IPR) give exclusive rights to their owners to use and protect registered trademarks. This protection is important because the brand not only serves as a product or service identity, but also as a valuable asset that can increase the competitiveness and reputation of a business. In this rapidly growing digital era, the existence of brands is increasingly important, considering the many business transactions carried out through the internet and various digital platforms. To talk about Legal Protection of Intellectual Property in the Digital Era in Indonesia, the current legal framework must be thoroughly analyzed. Intellectual property rights (IPR) protection has become increasingly important and complex in the ever-evolving digital era due to significant technological advancements in the production, distribution, and consumption of intellectual products. However, along with these technological advancements, new challenges arise to protect IPR.

One of the main challenges in protecting IPR in the digital era is Internet copyright infringement. The Indonesian government is changing the Intellectual Property Rights Law to adapt to the changes in the digital age. In Indonesia, the Copyright Law has undergone significant changes, especially Article 1 paragraph (1) of the Law on Intellectual Property Rights. In this revision, the definition of copyright is broader and includes works created through various media, including digital. In addition, Article 15B states that the use of works through information technology and data transmission must be carried out with the permission of the copyright holder, confirming the importance of permits for digital distribution. Law Number 13 of 2016 concerning Patents also emphasizes the importance of patent protection. Article 21 paragraph (1) states that patent rights give the holder the exclusive right to make, use, sell, and/or incorporate products made into the country. However, problems arise quickly in the digital age, where innovations and products can be easily copied. Therefore, government regulations must be constantly updated to remain relevant to technological advancements.⁴ A trademark, in this context, is a mark that can be an image, word, number, letter, or a combination of these elements used in the trading of goods and/or services. Legal protection of a trademark is very important considering that a trademark not only serves as an identity or differentiator of a product, but is also a valuable asset that reflects the reputation and quality of the product or service offered by its owner.⁵

Legal protection for the trademark can be in the form of preventive or repressive protection. Preventive legal protection here means protecting well-known brands and brands from breaking the law. Trademark protection in Indonesia adheres to the constitutive principle that the trademark that receives protection is a trademark registered with the government, trademark registration is only given to the first party who submits an application, in accordance with the

⁴ Sheva Anneira Akbar. 2024. "Legal Protection of Intellectual Property in the Digital Era." *Doctrine: World Journal of Legal and Political Science* 2 (4). 71, <https://doi.org/https://doi.org/10.59581/doktrin.v2i4.3608>.

⁵ Uha Suhaeruddin. 2024. "Intellectual Property Rights in the Digital Age: Legal and Ethical Challenges in the Protection of Creative Works and Innovations." *Indonesian Law Journal* 3 (3): 125. <https://doi.org/10.58344/jhi.v3i3.888>.

principle of *first to file* so that to get legal protection, the trademark owner must register his trademark in this case. In Article 3 of the Trademark Law, the state grants trademark rights to trademark owners who are registered in the general register brand to use the trademark itself or give permission to another party to use it. Furthermore, Article 28 of the Trademark Law states that registered trademarks receive legal protection for 10 (ten) years. This protection is effective from the date of receipt of the registration of the mark in question, or the closing date, and is renewable. One of the main ways to obtain legal protection for trademarks in Indonesia is through trademark registration. This registration is carried out through the Directorate General of Intellectual Property (DJKI), which gives the registered trademark owner exclusive right to use the trademark in the trade of goods and/or services. This exclusive right protects brand owners from other parties using similar or identical brands that may confuse consumers.

This trademark registration process is very important, because by registering a trademark, the owner acquires legal rights that protect the trademark from unauthorized use by other parties. This provides legal certainty for brand owners over the identity of the products or services they offer.⁶ To get trademark protection under trademark law, the trademark in question must first be registered. After meeting the formality and substantial requirements specified by the Trademark Law, the trademark registration application will be accepted. The existence of sufficient differentiating power is an important requirement and the main characteristic of the brand. A company's brand must be strong to differentiate its products and services from products and services made by other companies. In addition, Article 6 paragraph (1) of the Trademark Law states that the same impression, among other things, about the form, placement, writing, or combination of elements and sounds of speech contained in the trademark is intended to be "substantially the same" with other registered trademarks. Based on Article 6 paragraph (2), the

⁶ Melissa Hertati Gultom. 2022. "Legal Protection for Registered Trademark Rights Holders of Trademark Infringement." *Journal of Journalism Edition* 3 (1): 56. <https://doi.org/https://doi.org/10.46799/syntax-idea.v6i11.10081>.

provisions as stipulated in Article 6 paragraph (1) letter (b) can also be applied to goods or services that are not of the same type, as long as the goods or services meet certain requirements further stipulated by Government Regulations. If the trademark registration application has met all the formality requirements and the time of announcement, the application can be issued a trademark certificate and then registered in the general register of trademarks. The registered trademark owner who receives the Trademark Certificate has the exclusive right to exploit the financial advantage. Therefore, registered trademark owners receive trademark protection. However, if the brand falls under the category of well-known brands, unregistered brand protection can be done. With various requirements to request trademark registration, trademark owners will be legally protected. In addition to the efforts of the brand owner, brand protection can also be achieved through the rejection of the brand office to a trademark registration request similar to a previously registered trademark.⁷ Based on Article 74 of the Trademark and IG Law, a third party can file a lawsuit for the removal of a registered trademark to the commercial court if the trademark has not been used for three years so that the trademark owner can still get legal protection.

Registered trademark owners get repressive legal protection if the rights to the trademark are harassed through a civil lawsuit or criminal charge. The protection of repressive laws aims to resolve disputes, as mentioned by hadjon. One type of intellectual property rights dispute that can occur between the owner of the rights to the trademark is that the trademark has a lot in common with other brands in various forms of business and trade. As a result, it becomes difficult or impossible for people to distinguish products from each other.⁸ The registered trademark owner is protected from infringement of trademark rights in the form of a lawsuit for damages

⁷ M. Djumhana. 2022. Intellectual Property History, Theory and Practice in Indonesia. Bandung: Citra Aditya Bakti.

⁸ Frangky Radjak, Hijrah Lahaling, and Sumiyati Beddu. 2024. "MSME Brands, Nation's Assets: The Government's Decisive Steps to Strengthen Legal Protection." Julia: Amsir Journal of Litigation 1 (7): 23. <https://doi.org/https://journalstih.amsir.ac.id/index.php/julia/article/view/614>.

or the termination of all actions related to the trademark. Registered trademark owners also have the right to review because Indonesia is in an era of globalization, there is an increase in competition. In fierce business competition, companies often commit fraud to bring down their competitors, such as committing brand counterfeiting. If the quality of the product sold is not the same as the actual product quality, this can result in losses for the actual brand owner.⁹ In addition, disturbing the wider community The pseudo-prestige factor of consumers who feel proud to use well-known brands, especially products from abroad (*label minded*), also greatly affects and at the same time benefits brand counterfeiting because it gets the opportunity to satisfy people's desires through original but fake brands (asphalt) or brands similar to well-known brands, by producing products that are often deliberately tailored to their abilities the empty pockets of consumers who want to introduce famous brands. Unauthorized use of well-known trademarks is considered bad faith. the use of goods with a particular brand, the goodwill possessed by the brand, and the loyalty of the customer towards the brand, which is considered to have advantages or advantages different from other brands Consumer dissatisfaction is not only to meet needs; They also prioritize prestige and give a unique impression to the wearer. By using their perceptions, they are considered as "symbols" that will create a new lifestyle. The different perceptions that people have about brands can be interpreted in a variety of ways. However, this cannot be justified simply if the manufacturer makes the goods by deceiving others. This is because allowing irresponsible actions to generate and justify someone to deceive and enrich themselves dishonestly. The state establishes trademark protection laws to prevent dishonest practices and protect consumers and brand owners. This law continues to change in

⁹ Fatmawati, and Aminah. 2023. "Legal Protection of Trademarks for MSME Actors in Indonesia." *Notary* 16 (1): 532.
<https://doi.org/https://doi.org/10.14710/nts.v16i1.42116>.

accordance with the changes that occur in the world of international trade with the aim of balancing all existing interests.¹⁰

In addition to the protection of the existence of a trademark list, it can also be to strengthen legal protection for brands in the digital era, several strategic steps that can be taken by increasing awareness and education to business actors: One of the important efforts is to educate business actors about the importance of trademark registration and the legal protection they obtain by registering a trademark. This increased understanding is very important, especially for MSMEs who often lack understanding of the value of a person's brand. Efforts to increase legal awareness, in this case trademark registration, must be made not only by the general public, but also by students who have their own businesses or groups. At this time, many students have independent businesses, which are categorized as small and medium-sized businesses. However, awareness of business legality is still very low due to a lack of consistency and experience in managing business legality. Because students are more likely to understand the needs and wants of customers, especially younger customers, the potential for small and medium-sized businesses managed by students is enormous.¹¹

There is also a need for collaboration between the Government and Digital Platform Providers: The Government should work with digital platform providers, such as e-commerce and social media, to create clearer regulations and more efficient mechanisms for handling brand infringement. This includes implementing a prompt and transparent reporting system for brand owners who experience violations. The Directorate General of Intellectual Property (DJKI) has made various efforts to improve brand protection in the digital

¹⁰ Saputra. 2021. "The Roles of Local Governments in Accommodating the Registration of SME's Product Trademarks." *Amnesty Law Journal* 3 (1): 34. <https://doi.org/>: <https://doi.org/10.14710/nts.v16i1.42116>.

¹¹ Mohammad Makbul, and Lidia Fathaniyah. 2023. "Efforts to Increase Legal Awareness through Trademark Registration for Student-Based Small and Medium Enterprises for Student-Based Small and Medium Enterprises." *Journal of Community Service and Empowerment Literacy* 2 (2): 49. <https://doi.org/><https://doi.org/10.61813/jlppm.v2i1.33>.

era, one of which is the provision of an Electronic Trademark Registration System (*e-Filing*): DJKI has developed an electronic trademark registration system (*e-Filing*), which makes it easier for businesses to register their trademarks online. This system makes the trademark registration process faster, easier, and more effective, and helps ensure that the trademark is protected. Socialization and Education to Business Actors: One of the main obstacles in brand protection is the lack of awareness of business actors, especially MSMEs, about the importance of brand registration. Therefore, DJKI actively conducts socialization and education to increase their understanding of the importance of trademark registration and the benefits of brand protection in the digital era. Legal protection of trademark intellectual property rights in Indonesia in the digital era faces increasingly complex challenges. Trademark registration is the main step to obtaining exclusive rights to a trademark, but trademark infringement in the digital world is increasing. Therefore, the government and various related parties need to continue to strengthen the brand protection system through increased awareness, the use of technology, as well as collaboration with digital platform providers and international cooperation. With these measures, it is hoped that brand protection in Indonesia can be more effective and in accordance with the times. But this effort still faces many problems. While the low level of public awareness as well as improved piracy technology make it increasingly difficult to find the perpetrators, the anonymity of internet users makes it harder to find. Therefore, DJKI continues to improve surveillance, cooperate with other countries, and develop AI to better detect violations.¹² DJKI urges the public to stop buying illegal products and appreciate the work of domestic creators," said DJKI, emphasizing the importance of public awareness to protect IP to create a healthy and sustainable creative economy ecosystem. DJKI also helps to advance Indonesia Gold by protecting intellectual property.

¹² Susanto Yuli Luis. 2025. "The Challenge of Eradicating Intellectual Property Infringement in the Digital Age." Ministry of Law of the Republic of Indonesia Directorate General of Intellectual Property. 2025. Official <https://www.dgip.go.id/artikel/detail-artikel-berita/tantangan-membasmi-pelanggaran-kekayaan-intelektual-di-era-digital?kategori=Berita> of Industrial Design.

2. Challenges in Enforcing Trademark Protection Laws in Cyberspace, Especially in the Context of Trademark Infringement That Occurs on Digital Platforms

In the digital age, challenges arise quickly, and innovations and products can be easily replicated. Moreover, in the digital era, there are now challenges in enforcing copyright laws. While there is a legal basis, the cross-border nature of the internet makes it often difficult to implement. As a result, there is a need for collaboration between the government and the community through effective law enforcement approaches and approaches. Along with that, the improvement of the national legal framework must be accompanied by investment in digital monitoring and law enforcement technology to address problems in cyberspace so that governments must continue to update their regulations to stay relevant to technological developments. Updates in the Intellectual Property Protection Law in Indonesia as an effort by the government to adapt to the digital era. Despite the existence of laws, implementation, dispute handling, and law enforcement in an ever-changing digital environment are real issues. In an ever-evolving digital age, the involvement of all stakeholders, from government to society, is critical to creating an environment that supports innovation and provides appropriate protection for intellectual property.

Therefore, it is natural that the enforcement of trademark protection laws in cyberspace is becoming increasingly complex along with the development of digital technology and the use of digital platforms as the main means of trade in goods and services. In this digital era, brand infringement occurs not only in the context of physical commerce, but also in online commerce that includes various digital platforms, such as *e-commerce*, social media, and online applications. This poses a major challenge for brand-related law enforcement, which was previously more focused on the real world. It is important to look at the legal protection of intellectual property in Indonesia which must consider additional relevant factors, especially considering the changes and dynamics that are occurring in Indonesia and those that are happening around the world. The provisions of Article 14 of Law Number 28 of 2014 concerning

Copyright, for example, regulate the economic rights of copyright holders, including the rights of reproduction, distribution, and transfer. Today, as digital content becomes more widespread, it is necessary to expand and adapt these provisions. The exclusivity of copyright holders must be strengthened, especially in the digital world, because copyright infringement poses new challenges that continue to grow in society.¹³

The main challenges faced in the enforcement of trademark protection laws in cyberspace, such as first, brand misuse on digital platforms, as one of the biggest challenges in brand law enforcement in cyberspace, is brand abuse which is increasingly easy to do on various digital platforms. The main challenge faced is the misuse of brand names that can be detrimental to brand owners and consumers. In the digital era, there is online sales that can make it easier for someone to claim someone else's brand. This trademark infringement can occur in various forms, among others irresponsible parties can easily create an account or online store using a brand name that is similar or identical to a registered trademark to sell similar products, with the aim of confusing consumers and harming the brand owner. Moreover, there is a falsification of logos or designs where parties or individuals can imitate or falsify the packaging design, logo, or visual elements of registered brands to give the impression that their products are of the same quality, even though the product does not have the quality expected of the original brand. In addition, this has led to the rampant trade of counterfeit goods in *e-commerce* and online buying and selling applications, business actors can easily sell counterfeit goods that use registered trademarks, which is detrimental to legitimate trademark owners as well as deceived consumers.¹⁴ Brand abuse in cyberspace is often difficult to track and act on due to

¹³ Yono Gunawan. 2022. "Dispute Resolution of Registered Trademarks and Famous Trademarks in Realizing Legal Protection." *Iblam Law Rev.* 2 (2). <https://doi.org/10.52249/ilr.v2i2.80>.

¹⁴ Sahri Bunga Resgia A, Dzikra Delvina N, Jufri Haykal M H, and Nisrina Najibah. 2024. "Leading Brand Protection in the Digital Age." *Journal of Law and Human Rights Wara Sains* 3 (1): 73. <https://doi.org/10.58812/jhhws.v3i01.932>.

the characteristics of the internet that allow anonymity and globalization of trade that is not limited by geographical area.

The second challenge in enforcing Trademark Protection Law in cyberspace is the difficulty in enforcing cross-border laws where in cyberspace, digital platforms often involve various countries because trade transactions are carried out globally. This leads to difficulties in enforcing the law for trademark infringement that occurs outside the national jurisdiction. Some of the difficulties that arise such as when trademark infringement occurs abroad, it is often difficult for the trademark owner to prosecute the perpetrator operating in that other country. Trademark protection laws vary from country to country, and not all countries have the same regulations regarding the protection of officially registered trademarks. In addition, overseas digital platform providers used for *e-commerce* transactions, such as Amazon, Alibaba, and eBay, have servers located abroad and operate in different jurisdictions. This makes it difficult to enforce the law against trademark infringement that occurs on these platforms. Platforms like this may not always comply with the national regulations that apply in Indonesia.

Especially if you want to settle trademark infringement disputes involving many countries, it requires dispute resolution involving a cross-border legal system. This is often time-consuming and costly, as each country has different procedures and legal systems for dealing with intellectual property issues.¹⁵ The third challenge in law enforcement against brands is that digital platforms do not have an effective enforcement system although some digital platforms such as e-commerce and social media have mechanisms for reporting brand infringements, these mechanisms are often not effective enough. Such as the slow handling of infringements where the process of reporting trademark infringements on digital platforms often takes a long time, and there is no guarantee that infringements will be followed up immediately. This is due to the lengthy

¹⁵ Rahman Syawal Rusman. 2020. "Legal Protection of Trademark Rights Holders in Electronic Commerce on Marketplaces (Platforms)." *Nagari Law Review* 2 (1): 170. <https://doi.org/978-979-3599-13-7>.

verification process or the lack of resources the platform has to handle breach reporting. As well as the lack of a clear dispute resolution mechanism on some digital platforms that do not provide a clear channel for brand owners to file claims or request enforcement. Even if infringement is detected, the platform can only remove the infringing marketplace without providing a more comprehensive solution,¹⁶ such as compensation or compensation for the trademark owner who is aggrieved by the lack of cooperation with the authorities who do not always cooperate with the authorities at the local or central level in dealing with trademark infringement, especially when the infringement involves parties operating outside the national legal jurisdiction in Indonesia itself.¹⁷

The fourth or last challenge in Trademark Protection Law Enforcement in cyberspace is that many small and medium enterprises (SMEs) who sell on digital platforms do not understand the importance of trademark registration or brand protection in cyberspace. Many of them do not know how to protect their trademarks or are unaware that they have been victims of trademark infringement due to a lack of legal knowledge by SMEs often do not realize that they can lose the rights to their trademarks if they do not register them officially. They may also not know that their brand could be counterfeited in cyberspace, which can damage their reputation and credibility in the market. So that it is difficult to report violations by SMEs who often do not have the resources or knowledge to file complaints or report brand violations on digital platforms.¹⁸ As a result, they feel they have no way out or a solution to the brand infringement problem they face. Rapid technological developments also add challenges in the enforcement of trademark protection laws. New technologies such as *artificial intelligence* (AI),

¹⁶ Zaelani, Ahmad Sidiq. 2024. "Criminals." QAD Law Office. 2024. <https://qadlawoffice.com/berita/read/pelaku-kejahatan>.

¹⁷ Rahman Syawal Rusman. 2020. "Legal Protection of Trademark Rights Holders in Electronic Commerce on Marketplaces (Platforms)." *Nagari Law Review* 2 (1): 170. <https://doi.org/978-979-3599-13-7>.

¹⁸ Melissa Hertati Gultom. 2022. "Legal Protection for Registered Trademark Rights Holders of Trademark Infringement." *Journal of Journalism Edition* 3 (1): 59. <https://doi.org/https://doi.org/10.46799/syntax-idea.v6i11.10081>.

blockchain, and machine learning provide opportunities to commit brand infringement in more sophisticated and hard-to-detect ways. The misuse of AI in creating counterfeit products by perpetrators can use AI technology to create counterfeit products that are very similar to the original product, including in the design and appearance of the brand. This makes it difficult for consumers and authorities to distinguish between genuine and counterfeit products. The use of blockchain in brand tracking Although blockchain can be used to protect brands, there is also a risk that perpetrators could use this technology to trade counterfeit goods or undermine the integrity of legitimate brands.¹⁹

Further, it is important to consider the intellectual property aspects related to the protection of personal data when exploring the current challenges. The security of personal data in the digital age has become a major concern, although it is not directly related. The right of every individual to protect himself or herself against the collection, processing, and use of personal data is guaranteed in Article 28B of the 1945 Constitution amendment to the IV. The protection of personal data is especially important in the context of intellectual property, especially in electronic commerce, as personal information is often associated with works of invention or innovation. In terms of intellectual property protection in the digital era, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions is also relevant. Article 26A paragraph (1) of the ITE Law regulates the protection of intellectual property, especially copyright, in the digital world. In addition, its law enforcement provides a basis for criminal acts related to copyright and trademark infringement on the internet. However, this law was amended in 2016, so further development may be considered. Meanwhile, the social and economic consequences of intellectual property protection in the digital age must also be considered. To encourage the digital industry and creative

¹⁹ Rachel Christie,. 2024. "Analysis of Copyright Disputes in the Case of the Welcome Monument Sketch: Between Economic Rights and the Obligations of Public Institutions (Case Study of Supreme Court Decision Number 35/Pdt.Sus-Copyright/2020)." *QISTINA: Indonesian Multidisciplinary Journal* 3 (2): 1589. <https://doi.org/2964-6278> E-ISSN: 2964-1268.

ecosystem, it is important to understand how industry players are involved, especially in the development of innovations and startups. Economic incentives such as taxes and incentives for research and development must be tailored to the needs and dynamics of the ecosystem in the digital age. In addition, in the context of international trade, legal protection of intellectual property is a problem. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), for example, is an example of a free trade agreement that involves aspects of intellectual property. By participating in agreements like this, Indonesia is showing a willingness to cooperate and adopt international standards, which can provide a great boost to protect intellectual property in the internet age.²⁰ Thus, law enforcement in brand protection in cyberspace faces various serious challenges, such as brand misuse on digital platforms, difficulties in cross-border law enforcement, lack of effective enforcement systems, anonymity of violators, and low legal understanding among business actors. To overcome these challenges, cooperation between governments, digital platform providers, and international parties is needed, as well as increased awareness among business actors about the importance of brand protection in cyberspace.

C. CONCLUSION

Based on the author's research and analysis, it can be concluded that the legal protection of intellectual property (IPR) rights, especially trademarks, in Indonesia is regulated by Law Number 20 of 2016 concerning Trademarks and Geographical Indications where the Indonesian government always changes the Intellectual Property Rights Law to adapt to the changes in the digital age as a form of legal protection for the trademark can be in the form of protection that is preventive and repressive. Preventive legal protection here means protecting well-known brands and brands from breaking the law. Trademark protection in Indonesia adheres to the constitutive

²⁰ Lilik Prihatin, Maria Yosepin Endah Listyowati, and Thomas Ichfan Hidayat. 2024. "Intellectual Property Protection: A Copyright Essential in the Era of the Industrial Revolution 4.0." *U.S. Law Review* 6(4): 11324. <https://doi.org/https://doi.org/10.31933/unesrev.v6i4>.

principle, namely the trademark that receives protection is a trademark registered with the government, trademark registration is only given to the first party who submits the application, in accordance with the principle of first to file so that to get legal protection, the trademark owner must register his trademark in this case. In Article 3 of the Trademark Law, the state grants the right to a trademark to the owner of a trademark registered in the general register of the trademark to use the trademark itself or to give permission to another party to use it. Furthermore, Article 28 of the Trademark Law states that registered trademarks receive legal protection for 10 (ten) years. Registered trademark owners receive repressive legal protection if the rights to the trademark are used without permission through a civil lawsuit or criminal prosecution. The protection of repressive laws aims to resolve disputes, as mentioned by hadjon. One type of intellectual property rights dispute that can occur between the owner of the rights to the trademark is that the trademark has a lot in common with other brands in various forms of business and trade. As a result, it becomes difficult or impossible for people to distinguish products from each other. The registered trademark owner is protected from infringement of trademark rights in the form of a lawsuit for damages or the termination of all actions related to the trademark. The law enforcement in brand protection in cyberspace faces various main challenges faced in law enforcement brand protection in cyberspace, such as first, brand abuse on digital platforms, as one of the biggest challenges in brand law enforcement in cyberspace, is brand abuse which is increasingly easy to do on various digital platforms. The main challenge faced is the misuse of brand names that can be detrimental to brand owners and consumers. In the digital era, there is online sales that can make it easier for someone to claim someone else's brand. This trademark infringement can occur in various forms, among others irresponsible parties can easily create an account or online store using a brand name that is similar or identical to a registered trademark to sell similar products, with the aim of confusing consumers and harming the brand owner. There are other serious challenges, such as brand misuse on digital platforms, difficulties in cross-border law enforcement, lack of an effective enforcement system, anonymity of offenders, and low legal understanding among business actors. To overcome these challenges,

cooperation between governments, digital platform providers, and international parties is needed, as well as increased awareness among business actors about the importance of brand protection in today's digital/cyber world.

BIBLIOGRAPHY

- Akbar, Sheva Anneira. 2024. "Legal Protection of Intellectual Property in the Digital Era." *Doctrine: World Journal of Law and Politics* 2 (4).
<https://doi.org/https://doi.org/10.59581/doktrin.v2i4.3608>.
- Christie, Rachel. 2024. "Analysis of Copyright Disputes in the Case of the Welcome Monument Sketch: Between Economic Rights and the Obligations of Public Institutions (Case Study of Supreme Court Decision Number 35/Pdt.Sus-Copyright/2020)." *QISTINA: Indonesian Multidisciplinary Journal* 3 (2): 1589.
<https://doi.org/2964-6278> E-ISSN: 2964-1268.
- Djumhana, M. 2022. *Intellectual Property History, Theory and Practice in Indonesia*. Bandung: Citra Aditya Bakti.
- Fatmawati, and Aminah. 2023. "Legal Protection of Trademarks for MSME Actors in Indonesia." *Notary* 16 (1): 532.
<https://doi.org/https://doi.org/10.14710/nts.v16i1.42116>.
- Gultom, Meli Hertati. 2022. "Legal Protection for Registered Trademark Rights Holders of Trademark Infringement." *Journal of Journalism Edition* 3 (1): 56.
<https://doi.org/https://doi.org/10.46799/syntax-idea.v6i11.10081>.
- Yours truly, Yono. 2022. "Dispute Resolution of Registered Trademarks and Famous Trademarks in Realizing Legal Protection." *Iblam Law Rev.* 2 (2).
<https://doi.org/10.52249/ilr.v2i2.80>.
- Hans, Michael. 2023. "Brands Used by People Without Permission, Where to Ask for Compensation." *The law Online.Com*. 2023.
<https://www.hukumonline.com/klinik/a/merek-dipakai-orang-tanpa-izin-ke-mana-meminta-ganti-rugi-lt53c90619e8d43/>.

Deri Taraka

Legal Protection Of Trademark Intellectual Property Rights In The Digital Era By The Directorate General Of Intellectual Property

Hariyani, Iswi. 2020. *Procedures for Managing Intellectual Property Rights*. Yogyakarta: Pustaka Yustitia.

Luis, Susanto Yuli. 2025. "The Challenge of Eradicating Intellectual Property Infringement in the Digital Age." Ministry of Law of the Republic of Indonesia Directorate General of Intellectual Property. 2025. Official [https://www.dgip.go.id/artikel/detail-artikel-berita/tantangan-membasmi-pelanggaran-kekayaan-intelektual-di-era-digital?kategori=Berita of Industrial Design](https://www.dgip.go.id/artikel/detail-artikel-berita/tantangan-membasmi-pelanggaran-kekayaan-intelektual-di-era-digital?kategori=Berita%20of%20Industrial%20Design).

Makbul, Mohammad, and Lidia Fathaniyah. 2023. "Efforts to Increase Legal Awareness through Trademark Registration for Student-Based Small and Medium Enterprises for Student-Based Small and Medium Enterprises." *Journal of Community Service and Empowerment Literacy* 2 (2): 49. <https://doi.org/https://doi.org/10.61813/jlppm.v2i1.33>.

Prihatin, Lilik, Maria Yosepin Endah Listyowati, and Thomas Ichfan Hidayat. 2024. "Intellectual Property Protection: A Copyright Essential in the Era of the Industrial Revolution 4.0." *U.S. Law Review* 6(4): 11324. <https://doi.org/https://doi.org/10.31933/unesrev.v6i4>.

Radjak, Frangky, Hijrah Lahaling, and Sumiyati Beddu. 2024. "MSME Brands, Nation's Assets: The Government's Decisive Steps to Strengthen Legal Protection." *Julia: Amsir Journal of Litigation* 1 (7): 23. <https://doi.org/https://journalstih.amsir.ac.id/index.php/julia/article/view/614>.

Rusman, Rahman Syawal. 2020. "Legal Protection of Trademark Rights Holders in Electronic Commerce on Marketplaces (Platforms)." *Nagari Law Review* 2 (1): 170. <https://doi.org/978-979-3599-13-7>.

S, Bunga Resgia A, Dzikra Delvina N, Jufri Haykal M H, and Nisrina Najibah. 2024. "Leading Brand Protection in the Digital Age." *Journal of Law and Human Rights Wara Sains* 3 (1): 73. <https://doi.org/10.58812/jhhws.v3i01.932>.

- Saputra. 2021. "The Roles of Local Governments in Accommodating the Registration of SME's Product Trademarks." *Amnesty Law Journal* 3 (1): 34. <https://doi.org/https://doi.org/10.14710/nts.v16i1.42116>.
- Sheilindry. 2021. "Protection of Intellectual Property Rights in Electronic Business Contracts for Trademark Rights Holders." *J. Simbur Cahaya* 28 (2): 24. <https://doi.org/https://doi.org/10.28946/sc.v28i2.1317>.
- Suhaeruddin, Uha. 2024. "Intellectual Property Rights in the Digital Age: Legal and Ethical Challenges in the Protection of Creative Works and Innovations." *Indonesian Law Journal* 3 (3): 125. <https://doi.org/10.58344/jhi.v3i3.888>.
- Sulasno, Diva Zulfa, Shafira Nadya Nathasya, and Fiona Chrisanta. 2023. "Juridical Analysis of Legal Protection for Famous Brand Owners Against the Use of Famous Brands by MSME Actors." *Law Review* 11 (2): 14. <https://doi.org/https://doi.org/10.56895/plr.v11i2.1258>.
- Syaifulloh, Syahrul Akbar. 2024. "Juridical Analysis of Brand Rights Protection in the Digital Age: A Case Study on Trademark Rights Infringement on the Shopee Marketplace Platform." *UMP: Social Sciences & Humanities* 17 (1): 434. <https://doi.org/https://doi.org/10.30595/pssh.v17i>.
- Zaelani, Ahmad Sidiq. 2024. "Criminals." QAD Law Office. 2024. <https://qadlawoffice.com/berita/read/pelaku-kejahatan>.