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Plagiarism Trademark Dispute between Ms Glow and Ps Glow

(Case Study Judge's Decision No. 2/Pdt.Sus-HKI/Merek/2022/PN Niaga Mdn)

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Abstract

In the realm of business and competitive markets, branding plays a crucial role. A brand serves as a key identifier with the primary goal of distinguishing an entrepreneur's products

from those of competitors. This article examines the trademark dispute between MS Glow and PS Glow, revealing two different rulings from the same legal case, specifically the cancellation of a trademark. The differing interpretations of the Trademark and Geographical Indications Law by the judges have raised concerns, prompting scrutiny of the clarity in the application of trademark law in Indonesia. This research uses a normative method, utilizing secondary data that includes primary legal materials such as court decisions and legislative texts related to trademarks. Additionally, secondary legal materials such as journals and books are referenced to enhance understanding. The data analysis methodology employed is qualitative juridical analysis. The findings show that both cases share a common issue similarity in beauty product brands. Each party claims to possess legitimate intellectual property rights and asserts that they have avoided any trademark infringement. Notably, the legal dispute between PS Glow and MS Glow does not fall under the Nobis in Idem principle, as the lawsuit filed in the Surabaya court was initiated before the Medan Commercial Court's decision had been finalized. This study offers important insights into trademark disputes, the application of trademark law in Indonesia, and the complexities involved in handling trademark conflicts between competing parties.

Keywords

Intellectual Property Rights; Brand Rights; Nebes In Idem.

I. Introduction

The system of free trade shows the importance of protecting national interests with a framework for protecting business actors, such as protecting infant industries and how to determine the direction of economic development through national laws that are externally and internally responsive[1]. The Indonesian government has launched a series of institutional reforms aimed at establishing a market-oriented economic system. In terms of law, Indonesia has introduced several new economic laws in various fields, especially in intellectual property.[2] Additionally, Indonesia has undertaken significant legal reforms to create a more conducive environment for business and investment. These reforms include the simplification of licensing processes, the strengthening of property rights, and the enhancement of transparency and accountability in the legal system.

The presence of Intellectual Property Rights (hereinafter referred to as IPR) always follows the dynamics of the development of society itself. Likewise, the Indonesian society, whether willingly or not, inevitably intersects and directly engages with IPR issues. Issues concerning IPR will touch upon various aspects, such as technology, industry, social, culture, and various other aspects.[3]

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1 Sonny Engelbert Palendeng et al., "Penyelesaian Sengketa Merek Dagang Dikaitkan Trademark Dispute Resolution Is Associated With Legal," *Jurnal Pemikiran Dan Penelitian Ilmu-Ilmu Sosial, Hukum, & Pengajarannya* XVI, no. 2, Oktober (2021): 274–86.

2 Nopiana Nopiana and Hari Sutra Disemadi, "Perlindungan Hukum Terhadap Pemegang Hak Merek: Suatu Kajian Komparatif Antara Jepang Dan Indonesia," *Widya Yuridika* 4, no. 2 (2021): 389–400, https://doi.org/10.31328/wy.v4i2.2283.

3 Rahmadia Maudy Putri Karina and Rinitami Njatrijani, "Perlindungan Hukum Bagi Pemegang Hak Merek Dagang Ikea Atas Penghapusan Merek Dagang," Jurnal Pembangunan Hukum Indonesia 1, no. 2 (2019): 194–212, https://doi.org/10.14710/jphi.v1i2.194-212.

The more prominent form of dispute is trademark dispute. Trademark disputes are not easy in the business world. [4] Trademark disputes stand out for several important reasons. Trademarks are one of a company's most valuable assets, representing their identity and reputation. When trademark infringement occurs, it can damage the reputation and trust consumers have worked so hard to build. In today's era of global trade, the legal role of intellectual property rights (IPR) is very important, especially to maintain fair business competition and prevent the possibility of deceptive competition in the form of counterfeiting, piracy or unauthorized use of IP rights.[5]

In Indonesia, business activities have increased along with the development of globalization. The Indonesian government has set a legal political direction that is open to business and investment practices.[6] A brand is a specific (exclusive) trademark right granted by the state to the trademark owner for their personal use or for granting permission to others to use it.[7] Various policies have been carried out by the Indonesian government, such as facilitating permits and procedures for establishing businesses, both domestic and foreign entrepreneurs.[8]

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4 Sidik Ilmiawan and Elfrida Ratnawati Gultom, "Analisis Putusan Nomor 2/Pdt.Sus.HKI/Merek Dagang Antara MS Glow Dengan PS Glow," *Unes Law Review* 5, no. 2 (2022): 331–38, https://doi.org/10.31933/unesrev.v5i2.

5 Ilmiawan and Gultom.

6 Junaidi Junaidi et al., "PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU PENCEMARAN LINGKUNGAN SEBAGAI AKIBAT LIMBAH B3 (Studi Kasus Putusan Nomor 1482/Pid.Sus-LH/2021/PT MDN)1," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 9, no. 4 (2022): 1483–90, http://jurnal.um-tapsel.ac.id/index.php/nusantara/index.

7 Yusuf Gunawan, "Penyelesaian Sengketa Merek Terdaftar Dan Merek Terkenal Dalam Mewujudkan Perlindungan Hukum," *Iblam Law Review* 2, no. 2 (2022): 141–64, https://doi.org/10.52249/ilr.v2i2.80.

8 Alfida Novianti Anwari and Imanudin Affandi, "Arbitrase Sebagai Alternatif Penyelesaian Sengketa Kekayaan Intelektual Terhadap Pelanggaran Merek," *Justitia: Jurnal Ilmu Hukum Dan Humaniora* 8, no. 6 (2021): 1449–57, http://jurnal.um-tapsel.ac.id/index.php/Justitia/article/view/3898/pdf.

In business or business competition, the brand has a very important role. A brand is known as an identification which has the aim of differentiating the products owned by an entrepreneur from other entrepreneurs. Trademark owners who have registered their brands in the general register of marks will receive protection by the state by being granted exclusive rights.[9] To protect these marks, the government seeks to provide protection for trademark rights in a statutory regulation, namely Law Act No. 20 of 2016 Concerning Tredemarks.[10]

The Law on Trademarks and Geographical Indications was formed on the basis of considerations to further improving services and providing legal certainty in the field of industry, coomerce and investment in response to technological needs created by local, national, regional and international economic developments and developments in information and communication fields, it needs to be supported by more appropriate laws and regulations in the field of Marks and Geographical Indications.[11]

According to Article 1 Paragraph 1 of the Law No.20 of 2016 on Trademarks and Geographical Indications, the meaning of a brand is a mark represented graphically in the form of an image, logo, name, word, letter, numbe or arrangement of colors, which can be defined in 2 (two) dimensions and/or 3 (three) dimensions, sound, hologram, or a

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9 Hanifah Isyana Maulidina and Devi Siti Hamzah Marpaung, "Penyelesaian Sengketa Merek Dagang Melalui Arbitrase Berdasarkan Undang-Undang Nomor 30 Tahun 1999," *JUSTITIA : Jurnal Ilmu Hukum Dan Humaniora* 9, no. 1 (2022): 475–87, http://jurnal.um-tapsel.ac.id/index.php/Justitia.

10 Rizal Nugraha and Hana Krisnamurti, "Sengketa Merek Terdaftar Di Direktorat Jenderal Hak Kekayaan Intelektual Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis," *Wacana Paramarta: Jurnal Ilmu Hukum* 18, no. 2 (2019): 97–114, https://doi.org/10.32816/paramarta.v18i2.70.

11 Pemerintahan Pusat, "Undang-Undang (UU) Nomor 15 Tahun 2001 Tentang Merek," 2016, 62, https://peraturan.bpk.go.id/Home/Details/37599/uu-no-15-tahun-2001.

combination of 2 (two) or more of these elements to distinguish trade in goods and/or services offered by natural or legal persons in goods and/or in services.[12]

One form of legal protection for brands based on the Law on Trademarks and Geographical Indications is contained in Law Number 15 of 2001 which regulates brands, it is explained that the settlement of trademark disputes can be pursued through litigation and non-litigation.[13] Exclusive rights in the elucidation of Article 3 of Law Number 15 of 2001 is that the state the owners of marks registered in the general register of marks the right to use it by using the mark themselves or giving permission to other parties to use it.[14]

To achieve justice and things that benefit the parties involved in the dispute, alternatives in dispute resolution can be used in resolving disputes. Described in section 1 (10) of Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution. It reads "Alternative Dispute Resolution is a system for resolving disputes or ddisagreements through procedures agreed upon by the parties, namely settlements outside the court by way of consultation, negotiation, mediation, arbitration or expert judgment.[15]

In terms of dispute resolution methods, disputes regarding commercial/commercial activities can be resolved in court or out of court. According to Articles 76 to 84 of the Trademarks and Geographical Indications Law No. 20 of 2016, trademark disputes can

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12 Pemerintah Pusat, "Undang-Undang (UU) Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis," *Jdih Bpk Ri*, no. 1 (2016): 1–51, https://peraturan.bpk.go.id/Home/Details/37595/uu-no-20-tahun-2016.

13 Pusat, "Undang-Undang (UU) Nomor 15 Tahun 2001 Tentang Merek."

14 Gossain Jotyka and I Gusti Ketut Riski Suputra, "Prosedur Pendaftaran Dan Pengalihan Merek Serta Upaya Perlindungan Hukum Terhadap Merek Terkenal Menurut Undang-Undang Nomor 15 Tahun 2001," *Ganesha Law Review* 3, no. 2 (2021): 125–39, https://doi.org/10.23887/glr.v3i2.447.

15 Pemerintah Indonesia, "Undang-Undang Nomor 30 Tahun 1999 Tentang Arbitrase Dan Alternatif Penyelesaian Sengketa," *UU No 30 1999*, 1999, 41–51.

be resolved through both judicial and extrajudicial means. Regarding Article 84 of Law No. 20 of 2016 on Trademarks and Geographical Indications, Article 84 provides that trademark disputes can be settled out of court, i.e. through arbitration, which is an alternative dispute resolution mechanism.[16]

Trademark disputes have frequently arisen, including one highlighted in a study conducted by Pinem and Gunadi (2021), which addressed an Intellectual Property Rights (IPR) dispute in the case of Geprek Bensu versus I Am Geprek Bensu. This dispute revolved around trademark issues. Ruben Onsu initiated legal action against PT Ayam Geprek Bensu with the intention of canceling the registration of the "I Am Geprek Bensu" trademark, which bore similarities to his own "Geprek Bensu" trademark. Subsequently, the Commercial Court in the Central Jakarta District Court issued a ruling in this matter under case number 57/Pdt.Sus-HKI/Merek/2019/PN Niaga Jkt.Pst. The decision was made and, after an appeal was filed, the Supreme Court (MA) determined that the ruling did not contravene the law and the Trademark and Geographical Indication Law (UU MIG). Therefore, based on the judgment of the Jakarta Central Court, Ruben Onsu was prohibited from further using his "Geprek Bensu" trademark.[17]

Additionally, the study conducted by Fariha et al. (2022) pertaining to the trademark acquisition case between Solaria and Solaris, as ruled in case number 3/Pdt.Sus-HKI/2020/PN Niaga Mks, is the focal point of this research. This study employs a normative juridical method,

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[16] Novi Yanti and Devi Siti Hamzah Marpaung, "Penyelesaian Sengketa Merek PS Glow Melawan MS Glow Berdasarkan Undang-Undang No. 30 Tahun 1999 Tentang Arbitrase Dan Alternatif Penyelesaian Sengketa," *Jurnal Ilmiah Wahana Pendidikan* 8, no. 18 (2022): 540–50.

[17] Eine Yamitha Pinem, Septri Widiono Widiono, and Irnad Irnad, "Kemiskinan Struktural Komunitas Nelayan Di Kelurahan Sumber Jaya, Kecamatan Kampung Melayu, Kota Bengkulu," *Jurnal Sosiologi Nusantara* 5, no. 2 (2019): 91–112, https://doi.org/10.33369/jsn.5.2.91-112.

which entails data collection through literature review. The research delves into the dispute between Solaria and Solaris, examining the legal consequences arising from the issuance of a Trademark Certificate for Solaris concerning the exclusive rights held by Solaria. The core of the contention between Solaria and Solaris lies in the fundamental similarity of their trademarks and allegations of misconduct by Solaris. Consequently, Solaria has filed a lawsuit seeking the annulment of Solaris' trademark, resulting in the withdrawal of the Solaris trademark and the legal consequences that accompany it. This occurs due to the proven violation of Law Number 20 of 2016 on Trademarks and Geographical Indications.[18]

Another case can be observed in a study conducted by Diyani & Sardjono (2015), which pertains to the case of Tbl Licensing Llc versus Timberlake Indonesia with case number 42/Pdt.Sus-Merek/2020/PN.Niaga.Jkt.Pst. The Commercial Court at the Central Jakarta District Court has adjudicated and issued judgments on claims in Intellectual Property Trademark cases at the first level. In consideration of the facts explained above, the claim for "Timberlake," derived from the meaning of the word "Timber," shares the same meaning as words such as "wood," "timber," "lumber," "tree," "block," and "kindling," all of which reference wood material. "Danau" refers to a lake. However, when these words are combined (timberlake), there is no meaning registered in the language dictionary. When the words are separated (timber-lake), the meaning becomes "wooden lake." In contrast, the "Timberland" trademark, with its common usage meaning of "wooden land," is found in the dictionary. Consequently, the Plaintiff's claims must be rejected because there is no substantial

[18] Tharra Fariha, Budi Santoso, and Rinitami Njatrijani, "SENGKETA MEREK ANTARA SOLARIA DENGAN SOLARIS (Studi Kasus Putusan Nomor 3/Pdt.Sus-HKI/2020/PN Niaga Mks)," *Diponegoro Law Journal* 11, no. 2 (2022): 9–25.

similarity between the Defendant's "TIMBERLAKE" trademark and the Plaintiff's "TIMBERLAND" trademark.[19]

Furthermore, based on the research findings by Wijaya et al. (2022), the case involving the use of the famous "Superman" trademark by PT Marxing Fam Makmur against DC Comics is governed by Law Number 20 of 2016 on Trademarks and Geographical Indications. The legal consequences resulting from Decision Number 29/Pdt.Sus/Merek/2019/PN Niaga Jkt.Pst are outlined in this research. According to this study, it is evident that PT Marxing Fam Makmur has been proven to register the "Superman" trademark with malicious intent. As a result, the "Superman" trademark registered by PT Marxing Fam Makmur must be annulled along with all the legal consequences that accompany it.[20]

Another study by Al'Uzma et al. (2023) reveals that Supreme Court Decision Number 836 K/Pdt.SusHKI/2022 is grounded in Law Number 20 of 2016 concerning Trademarks and Geographical Indications. In this context, based on the Central Jakarta District Court's Case Search Information System, there is a request for the cancellation of the "Starbucks" trademark in Class 34, which has been made by Starbucks Corporation. This application is founded on the grounds of malicious intent. Although Starbucks Corporation does not possess a registered trademark in Class 34, the submission of the "Starbucks" trademark application in Class 34 and the existence of

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[19] Trini Diyani and Agus Sardjono, "Analisis Sengketa Dagang Merek Terkenal Antara Tbl Licensing Analisis Sengketa Dagang Merek Terkenal Antara Tbl Licensing Llc Dengan Timberlake Indonesia (Studi Kasus Putusan Llc Dengan Timberlake Indonesia (Studi Kasus Putusan," *Technology and Economics Law Journal* 1, no. 2 (2022), https://scholarhub.ui.ac.id/telj/vol1/iss2/6.

[20] Satya Lejar Wijaya, Budi Santoso, and Edy Sismarwoto, "Pembuktian Asas Itikad Baik Dan Itikad Tidak Baik Dalam Sengketa Merek Terkenal 'SUPERMAN' Antara DC COMICS Melawan PT Marxing Fam Makmur (Studi Kasus Putusan Nomor 29/PDT.Sus/Merek/2019/PN JKT.PST)," *Diponegoro Law Journal* 11, no. 2 (2022), https://ejournal3.undip.ac.id/index.php/dlr/article/view/33351.

registered trademarks in other classes owned by Starbucks Corporation have provided sufficient legal standing. According to Article 77, paragraph (1), the "Starbucks" trademark owned by PT Sumatra Tobacco Trading Company (STTC) in Class 34 has been registered since November 20, 2011. This implies that Starbucks Corporation has exceeded the specified time limit, which is more than 5 (five) years since the registration date of STTC's "Starbucks" trademark in Class 34.[21]

In summary, the research findings from various studies shed light on trademark disputes that have been resolved through legal proceedings involving different companies. These disputes include cases such as MS Glow versus PS Glow, Solaria versus Solaris, Tbl Licensing Llc versus Timberlake Indonesia, and PT Marxing Fam Makmur against DC Comics. The court rulings in these cases are based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications. The research results demonstrate that, in several cases, the parties subjected to claims have been proven to use trademarks with malicious intent, leading to the cancellation of their trademarks and the imposition of relevant legal consequences. In essence, this article outlines a variety of trademark disputes faced by companies and how courts make decisions in accordance with applicable laws, including the annulment of trademarks in cases of malicious intent.

This article discusses the trademark rights dispute in the trademark action between MS Glow and PS Glow[22], which was resolved through a court lawsuit and decided by a judge based on Supreme Court decision Number 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Mdn and

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[21] O.K. Saidin, et al., Fahthiya Al'Uzma, "Analisis Putusan Dan Pertimbangan Hakim Dalam Perkara Sengketa Merek Antara Starbucks Corporation Melawan Sumatera Tobacco Tranding Company," *Loctus Journal of Academic Literature Review* 2, no. 4 (2023): 363, https://jurnal.locusmedia.id/index.php/jalr/article/view/154.

[22] Brian Jeremy Modami and Gunardi Lie, "An Analysis of Trademark Disputes Between MS Glow and PS Glow," *QISTINA: Jurnal Multidisiplin Indonesia* 2, no. 1 (2023): 511–14, https://doi.org/10.57235/qistina.v2i1.530.

2/Pdt.Sus.HKI/Merek/2022/PN.Niaga Sby. The brand dispute above is a dispute by suing each other, where in the Medan Commercial Court the plaintiff was Shandy Purnamasari as a Skincare entrepreneur Ms Glow, while the defendant was Putra Siregar as a Skincare PS Glow entrepreneur. On the other hand, the plaintiff appeared at PS Glow Commercial Court in Surabaya together with defendants PT Cosmetics Global Indonesia, PT Cosmetics Cantik Indonesia, Gilang Widya Pramana, and Shandy Purnamasari, Titis Indah Wahyu Agustin, Sheila Marthalia.

Previously, it was necessary to understand Article 76 of Law No. 20 of 2016 on Trademarks and Geographical Indications, which stipulates that interested parties can file a claim for trademark cancellation request with the Commercial Court, further that the intended interested parties include registered trademark owners, prosecutors, and foundations. This is what finally underlies Shandy Purnamasari and Putra Siregar to file a lawsuit for cancellation of the second trademark at the Different Commercial Court.[23]

At the Medan Commercial Court, Shandy Purnamasari filed trademark cancellation proceedings against Putra Siregar. The lawsuit filed on the basis that Putra SIregar's trademarks "PS Glow" and "PS Glow For Men" owned by Putra Siregar with the brands "MS Glow/for pretty skincare+Logo" and "Ms Glow For Men" owned by shandy Purnasari who thought that Putra Siregar has plagiarized his own brand. In this case the Panel of Judges accepted the lawsuit filed by Shandy Purnamasari. The judge considered that based on the first to file principle, Shandy Purnamasari is the legal holder of the brands "MS

[23] Indiera Fortuna Gracia, Kurniawan, and Eduardus Bayo Sili, "Analysis of Intellectual Property Rights Disputes Between PS Glow and MS Glow in View of Law No. 20 of 2016 Concerning Marks and Geographical Indications (Analysis of Decision of Case Number: 2/Pdt.Sus.HKI/Merek/2022/PN.Niaga Sby)," *International Journal of Social Science Research and Review* 5, no. 1 (2023): 159–65.

Glow/for pretty skincare+Logo" and "Ms Glow For Men" and when compared to "PS Glow" and "PS Glow For Men" there are similarities in essence between the two brands. The judge was also of the opinion that Siregar's son had malicious intent in imitating, copying the fame of the brand owned by Shandy Purnamasari. So the judge granted the requests "PS Glow" and "PS Glow For Men".

Meanwhile, at the Surabaya Commercial Court, Putra Siregar filed the same lawsuit, but he filed a lawsuit on behalf of PT PS Bersinar Indonesia. As for this case, the judge granted the demands put forward by Putra Siregar. The judge considered that the brands registered for MS Glow products were "MS Glow/for beautiful skincare+Logo" and "Ms Glow For Men", so there was a difference between the brand name on the product and the brand on the brand certificate. The judge was of the opinion that the MS Glow brand owned by Shandy Purnamasari was not properly protected. Because it has a different naming with the brand certificate. So the judge decided that the use of the MS Glow brand was carried out without rights and against the law and harmed Putra Siregar as the owner of PS Glow. The judge ordered the defendants to pay compensation to the plaintiff in the amount of IDR 37 billion and to stop production of all MS Glow cosmetics.

There is something interesting in the two decisions from two different Commercial Courts. In the Medan Commercial Court decision, the Panel of Judges stated that the MS Glow product brand had already been registered before the PS Glow Brand.[24] Meanwhile, in the Surabaya District Court decision submitted by PS Glow, the judge stated that the use of the MS Glow trademark was stated to be without rights and against the law, which has similarities to PS Glow.

Furthermore, the researchers are trying to connect the two cases using the Ne to In Indem principle. The principle of non bis in idem is

[24] N Sukalandari, W Budiartha, and P Sriasih Wesna, "Plagiasi Merek Dagang Antara Ms Glow Dan Ps Glow," *Jurnal Analogi Hukum* 5, no. 1 (2023): 48–54.

one of the principles of the Indonesian legal system, that is, the principle that the same case cannot be retried. This refers to a final court decision that cannot be changed or appealed.[25] In terms of civil law, Article 1917 of the Indonesian Civil Code (KUH Perdata) clearly stipulates the element of "ne bis in idem", which stipulates that if there is a common ground (posita), parties and legal relationship, the case cannot be retried. This was strengthened by Section 1918, which stated that the decision of a previous judge could be admitted as true evidence, and then Section 1919, which prohibited the prosecution of the same case where the judge acquitted the accused.[26]

Because there are two different decisions regarding the same lawsuit, namely trademark cancellation, the judges have interpreted differently to protect the same law, namely trademark annulment. Therefore, the author was interested in conducting research because there were differences in decisions by judges regarding the creation of brands with the same subject matter. This is important to ensure legal certainty in this case, because differences in decisions can cause confusion and be dangerous for the parties involved.

II. Method

The research method employed in this study is normative research. Normative research is conducted in a library setting, where the researcher examines and analyzes various written sources of

[25] Elisabeth Nurhaini Butarbutar, "Asas Ne Bis in Idem Dalam Gugatan Perbuatan Melawan Hukum," *Jurnal Yudisial* 11, no. 1 (2018): 23, https://doi.org/10.29123/jy.v11i1.167.

[26] Ilhamdi Putra and Khairul Fahmi, "Karakteristik Ne Bis In Idem Dan Unsurnya Dalam Hukum Acara Mahkamah Konstitusi," *Jurnal Konstitusi* 18, no. 2 (2021): 345, https://doi.org/10.31078/jk1824.

information.[27] The data sources utilized include secondary data, comprising primary legal materials in the form of the Medan Commercial Court Decision Number 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Mdn and the Surabaya Commercial Court Decision Number 2/Pdt.Sus.HKI/Brand/2022/PN.Niaga Sby, as well as legislation in the field of trademarks. Secondary legal materials encompass journals and books, and the data analysis approach employed is qualitative juridical analysis.[28]

In this study, the normative research method is employed to delve into the understanding of specific legal issues by referencing existing legal sources.[29] Secondary data, such as court judgments and legal regulations, are used as reference materials for analysis. This data collection method is suitable for legal research that does not involve direct empirical data collection. The data analysis utilized is qualitative juridical analysis, which means the researcher analyzes legal data with a focus on qualitative aspects such as legal interpretation, argumentation, and the interpretation of relevant legal cases.[30] Thus, this research relies on a deep understanding of the legal issues under examination through the analysis of various legal sources.[31]

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27 J Supranto, *Metode Penelitian Hukum Dan Statistik* (Jakarta: PT Rineka Cipta, 2003).

28 S Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek* (Jakarta: Rineka Cipta, 2010).

29 Metode Penelitian Hukum, *Lubis, A* (Jakarta: PT Raja Grafindo Persada, 2017).

30 S Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2017).

31 John W. Creswell, *Research Design Pendekatan Penelitian Kualitatiif, Kuantitatif, Dan Mixed* (Surakarta: Pustaka Pelajar, 2013).

III. Settlement of MS Glow and PS Glow Brand Cases at the Medan Commercial Court

Shandy Purnamasari is the founder of a well-known Indonesian brand, namely MS Glow, which is a skincare and cosmetic product, where this local product is very popular and in demand by many people, especially teenagers, because MS Glow itself already has Aesthetic Clinics in various big cities in Indonesia, MS Glow also has BPOM permits and is Halal certified. MS Glow is an award-winning Indonesian cosmetic brand with a record of selling more than 2 million products per month.

MS Glow has two products that have been registered and certified, namely the product "MS Glow/for beautiful skincare+Logo" with Registration Number IDM000633038 and the product "Ms Glow For Men" with Registration Number IDM000877377. Decision of the Supreme Court Number 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Mdn, is a decision against a lawsuit filed by Shandy Purnamasari against a party which according to the defendant unlawfully imitated or plagiarized MS Glow's brand, namely on the product "MS Glow/for beautiful skincare+Logo" which has been marketed by MS Glow since 2016 in various big cities in Indonesia.[32]

The case filed by Shandy Purnamasari as the Owner of MS Glow began when Shandy Purnamasari found that there were parties who imitated or plagiarized in an irresponsible manner based on bad faith who had submitted an application for trademark registration and took part in piggybacking, piggybacking on the fame of Shandy Purnamasari's brand in order to gain profit by means of which is so easy that it misleads and confuses consumers and is very detrimental to MS Glow.

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[32] Mahkamah Agung, Putusan PN Medan 2/PDT.SUS-HKI/MEREK/2022/PN NIAGA MDN (2022).

The lawsuit brought by Shandy Purnamasari before the Commercial Court of Medan was ruled by the Supreme Court in decision No. 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Mdn, in ehich the defendant was Putra Siregar as the owner of PS Glow. As for the principal case in decision Number 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Mdn, the plaintiff, namely Shany Purnamasari found an act of imitation or plagiarism of the MS Glow product, namely "MS Glow/for beautiful skincare+Logo" with Registration Numbers IDM000633038 and IDM000877377 belong to the plaintiff. The products imitated by the defendant used the brands "PS Glow" and "PS Glow For Men". Feeling aggrieved, the plaintiff filed a lawsuit against the defendants by claiming:

1. Accept and grant the Plaintiff's claim in full
2. Statment that the Plaintiff is the sole owner, registrant and first user of the “MS Glow” with registration Number IDM000633038
3. Declare that the Plaintiff is the sole owner, registrant and first user (First to Use) of the brand “MS Glow For Men” which has been registered with Number IDM000877377
4. Allegation that the trademark registration in the name of the Defendant was based on bad faith and dishonesy, because he borrowed, imitated and plagiarized the popularity of the tredemarks "MS Glow" and "Ms Glow For Men" owned by the Plaintiff who has registered
5. Cancel the trademark registered in the name of the defendant and bear all legal consequences
6. Ordered the Co-Defendant to write off the registered trademarks on behalf of the Defendant
7. To punish the defendant to stop all production, distribution and trading activities of cosmetic products that use "PS Glow" and "PS Glow For Men." without any conditions

8. Declare that the decision in this case can be carried out first even though a legal remedy is filed against the decision
9. Punish the defendant to pay court costs according to law or ask for a fair decision (Ex Aequo Et Bono).

The lawsuit filed by the plaintiff was then decided by the Supreme Court in Decision Number 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Mdn, with a decision namely:

1. Granted the Plaintiff's lawsuit in part
2. Declare that the Plaintiff is the sole owner, registrant and first user (first to use) of the brand "MS GLOW/for beautiful skincare+LOGO" No. Registration IDM000633038 and MS Glow For Men brand number IDM000877377
3. Stating that the trademark registration in the name of the defendant has the same principal with the brand "MS GLOW/for beautiful skincare+LOGO" number IDM000633038 which is registered in the name of the plaintiff
4. Stating that the trademark registration on behalf of the defendant is that the brand "PS Glow Men" has the same principal as the brand "MS Glow For Men"
5. Cancel the registration of trademarks registered in the name of the defendant based on bad faith and dishonesty, because they have piggybacked, imitated, and plagiarized the fame of the brand "MS GLOW/for beautiful skincare+LOGO"
6. Declare the cancellation of Mark registration on behalf of the defendant with all the legal consequences
7. Ordered the co-defendant to cancel the registered trademark on behalf of the defendant
8. Reject the plaintiff's claim for other than and the rest
9. Punish the defendant to pay the court fee of RP. 4,126,000

IV. Settlement of MS Glow and PS Glow Brand Cases at the Surabaya Commercial Court

Examination regarding the case involving MS Glow and PS Glow in terms of brand disputes was increasingly heated, which was then not aimed at just one district court, but involved other district courts before a decision was issued.

In the case that occurred in the Surabaya district court, the plaintiff is PT. PS GLOW SHINE INDONESIA. In this case, it can be said that ms. Glow did not bring his personal name to become the plaintiff but instead brought PT PS represented by Samputri Agelina, which is based on a power of attorney dated April 6 2022. In this case the plaintiff filed a lawsuit against the defendants which was addressed to PT. Cosmetics Global Indonesia (Defendant I), PT. Cosmetics Beauty Indonesia (Defendant II), Gilang Widya Pramana (Defendant III), Shandy Purnamasari (Defendant IV), Titis Indah Wahyu Agustin (Defendant V), Sheila Marthalia (Defendant VI).

In this case, the plaintiff filed a lawsuit on the grouds that he has not right to use the trademark. The plaintiff filed a lawsuit based on the provisions of Article 83 Paragraph (1) of thet Trademark and Geographical indication Law No. 20 of 2016 of the Republic of Indonesia which reads: "The owner of the registered trademark and/or the recipient of a registered trade mark may bring an action against another party for unlawful use of a mark which is in principle or in general similar for similar goods and/or services in the following form:

1. Compensation lawsuit; and/or
2. Cessation of all actions related to the use of the mark.

Accordingly, the plaintiff filed a lawsuit against the defendants who without rights had used the "MS GLOW" trademark which had the same basic similarities with similar products with the "PS GLOW"

and "PS GLOW" trademarks. The loss suffered by the plaintiff is not small, the costs incurred are enormous, especially in terms of marketing through advertising, this should be compensation from the plaintiff who will be held accountable to the defendant jointly and severally in the amount of Rp. 360,000,000,000.- (three hundred sixty billion rupiah) in cash. It doesn't stop there, the plaintiffs from PS GLOW and PS GLOW also demand the termination of all actions related to the use of the plaintiff's trademarks which include production, distribution and trading activities.

The party who becomes the defendant certainly gives resistance by stating the answer in his exception. In the testimony of the respondent, the defendant said that based on Article 8 Rv which states that the main points of the lawsuit are accompanied by clear and certain conclusions so that in order for the lawsuit to be considered as fulfilling the formal requirements, the lawsuit must be clear and clear or firm but in the statement of the plaintiff's lawsuit it is even vague (obscuur). libel). Additionally , the defendants stated that the plaintiffs were missing parties in the lawsuit. This can be seen from the fact that there is not third party, namely the Directorate General of Intellectual Property, of the Ministry of Law and Human Rights of the Republic of Indonesia. as a party to the original case.

Not only that, the defendant also stated his argument regarding the Trademark certificate from DJKI which had existed since August 8 2018, until September 20 2026, while the plaintiff had only registered it on May 1 2021 at DJKI, so in this case the it should be suspected that the party using the mark without rights is the plaintiff. The defendant also stated that the plaintiff tried to imitate and plagiarize or follow the trademark owned by the DEFENDANT which was allegedly carried out in bad faith as stated in the provisions of Article 21 paragraph (3) of the MIG Law and its explanation.

Regarding the request from the plaintiff regarding all trade carried out under the MS GLOW brand, it must be forced to stop both production, distribution and trading activities, which is excessive considering that it does not meet the requirements indicated by article 227 HIR and circular letter of the supreme court of the Republic of Indonesia No. 05/1975 which states that the application for confiscation of collateral must meet the following requirements:

1. There is a reasonable assumption that the debtor is trying to transfer his wealth
2. So that the value of the confiscated objects does not exceed the value of the claim, so that it is balanced with the one being sued

Evidence was also submitted by the defendants who later became the plaintiff in the counterclaim/defendant counterclaim, either in the form of a photocopy of the deed of the Extraordinary General Meeting of Shareholders of the Limited Liability Company PT. PS GLOW BERSINAR INDONESIA Number 77 of October 6, 2021; Photocopy of Decree of the Minister of Law and Human Rights of the Republic of Indonesia number AHU-0055129.AH.01.02 of 2021 concerning Approval of Amendment to the Articles of Association of Limited Liability Company PT. PS BERSINAR INDONESIA; Photocopy of the Attachment to the Decree of the Minister of Law and Human Rights of the Republic of Indonesia number AHU 0055129.AH.01.02 Year 2021 containing the composition of the board of directors and commissioners of the company, and other evidence to support the claims filed by the claimant, the plaintiff has also presented witnesses to be heard as testimony of his opinion in court where they before giving testimony will take an oath first according to the procedures of the religion they adhere to.

However, after all investigations were made from the demands of Defendant I, II, III, IV, V, and VI, the Plaintiff succeeded in proving

that the claims filed against him were not true. BPOM, and said again that there was registration of the MS GLOW brand number IDM000731102 on behalf of CV. BEAUTIFUL COSMETICS, is for class 32 namely for products in the form of powdered tea drinks that are not suitable for use as brands of cosmetic products; while the trademark "MS GLOW" which has the same principal as the trademark "PS GLOW" and the trademark "PS GLOW" used by the Plaintiff for class 3 types of goods/services (cosmetics) is registered with the Directorate General of Intellectual Property, Ministry of Law and Human Rights.

Then the final result in the Surabaya Commercial Trial of the Panel of Judges petitum lawsuit of the Plaintiff Counterclaim/Defendant Counterclaim has no legal basis, so it is appropriate to be rejected in its entirety; and Granted the Plaintiff's lawsuit in part. In this case the Counterclaim Defendants / Counterclaim Plaintiffs as parties who were defeated by Punishing Accused I, Accused II, Accused III, Accused IV, Accused V And Accused VI jointly and severally paid compensation to the PLAINTIFF in the amount of Rp. 37,990,726,332, - (thirty-seven billion nine hundred and ninety million seven hundred twenty-six thousand three hundred thirty-two rupiah) in cash and immediately, as well as punishing the plaintiffs for compensation / counter-defendants to pay the costs of the case jointly and severally in the amount of Rp.5,518,000. - (five million five hundred eighteen thousand rupiah).[33]

[33] Mahkamah Agung, Putusan Pn Surabaya 2/PDT.SUS-HKI/MEREK/2022/PN NIAGA SBY (2022).

V. Perspective of the Nebis In Idem Principle in the MS Glow and PS Glow Cases

The Nebis In Idem principle is the principle which states that a person may not be prosecuted once again as a result of an act or event whose part has been decided by the judge. So it can be said that the principle of nebis in idem is a principle that prohibits a person from being tried and punished a second time for the same crime. This principle is very important to be applied in addition to guaranteeing that a case must end, also for the sake of legal certainty, humanity and the authority of a judge's decision.

The principle of ne bis in idem, also known as res judicata, is enshrined in Article 1917 paragraph (1) in conjunction with Article 1920 of the Indonesian Civil Code (Kitab Undang-undang Hukum Umum) and Article 134 of the Code of Civil Procedure (Rv). This principle signifies that what has been definitively determined by the appointed authority and possesses the force of res judicata cannot be brought up again. Consequently, if a similar case or claim is brought before the court again, the judge must reject it.[34] In the Criminal Code, the application of the principle of nebis in idem explains that:

1. A person shall not be prosecuted twice by a final judgment for an act brought against him by a judge, except in cases where the judgment of the judge is still repeatable
2. If the final decision is made by another judge, no charges can be brought against that person and the same offens
   a) Sentence in the form of acquittal or immunity from trial

[34] Mukarramah Mukarramah, Ruslan Renggong, and Baso Madiong, "Nebis in Idem Dalam Perkara Perdata Pada Putusan Pengadilan Agama Maros," *Indonesian Journal of Legality of Law* 5, no. 1 (2022): 151–58, https://doi.org/10.35965/ijlf.v5i1.1895.

b) The decision to take the form of voluntary surrender has been fully executed or pardoned, or has been revoked because the executive power has expired.

Talking about the PS GLOW AND PS GLOW cases against MS GLOW which were tried in two different commercial courts. So in this case, many people are wondering why they could be tried in a different commercial court so as to produce different results, both in terms of MS GLOW's victory in the Medan District Court and PS GLOW's and PS GLOW's in Surabaya District Court, different decisions. This result really confused the public about who won and who compensated for the loss, as the results of the two PNs produced different parties who won and lost.

This happened because the lawsuit filed by PS GLOW and PS GLOW to the Surabaya Court was a complaint before there was a clear outcome in a court case filed by MS GLOW at the Medan Commercial Court. So in fact cases involving brand disputes over beauty products cannot be said to be cases on the principle of nebis in idem. In addition, the lawsuit filed is also not the same, as explained in the discussion at the Medan Commercial Court above, that MS Glow demands "Requesting the Director of Trademarks and Geographical Indications at the Ministry of Law and Human Rights to cross out registered trademarks in the name of Putra Siregar from the list of trademarks. and announced it in the Official Gazette of the Mark," said the judge's decision Number 2/Pdt.Sus-HKI/Merek/2022/PN Niaga Medan. Meanwhile, the prosecution at the Surabaya commercial court filed by PS Glow stated that the use of the MS Glow brand was stated to be without rights and against the law, which has similarities with PS Glow. In addition, the judge also asked to stop production and trade in the jurisdiction of the Republic of Indonesia. The judge also said that the MS Glow brand was registered not for beauty products but for

powdered tea drinks.[35] It should also become a public concern that the case between PS GLOW and MS GLOW involves different parties to the two cases, both at the Medan Commercial Court and the Surabaya Commercial Court. In the case at the Medan Commercial Court, the parties to the lawsuit were Shandy Purnamasari and Putra Siregar. Whereas in the case at the Surabaya Commercial Court, the parties to the lawsuit were PT PS Glow Bersinar Indonesia against PT Cosmetics Global Indonesia, PT Cosmetics Cantik Indonesia, and their owners.[36]

In this case, it cannot be said that the case between PS GLOW and MS GLOW falls within the Nebis in Idem principle. If there is a settlement, the parties should be able to submit a lawsuit to the Commercial Court. If there is an objection to the Commercial Court's decision, the party can file an appeal, as regulated in Article 68 paragraph (7) of the Trademark Law, before filing the case again at a different District Court. The Nebis in Idem principle states that a person cannot be tried twice for the same case after there has been a decision that has permanent legal force (inkracht). In this case, the case between PS GLOW and MS GLOW is not included in this principle because there is a clear legal mechanism for submitting approvals and appeals, as well as legal stages that must be passed before the case can be tried again in a different court.

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[35] Advokasi Konstitusi, "Beda Putusan Pengadilan Ms Glow Vs Ps Glow Kian Memanas," Advokasi Konstitusi, 2022, https://advokatkonstitusi.com/beda-putusan-pengadilan-ms-glow-vs-ps-glow-kian-memanas/2/.

[36] BP Lawyers, "Putusan MS Glow v. PS Glow Pada 2 Pengadilan Niaga Yang Berbeda, Mengapa Bisa Demikian?," 29 Agustus 2022, 2022.

VI. Conclusion

The initial battleground for the dispute between MS GLOW and PS GLOW was the Medan Commercial Court, which delivered a verdict on March 15, 2022, compelling the Ministry of Justice and Human Rights to nullify the PS Glow trademark. This judgment favored MS Glow and is officially recorded as Judge's Decision No. 2/Pdt.Sus-HKI/Merek/2022/PN Niaga Mdn. Simultaneously, PS GLOW initiated legal proceedings in the Surabaya Commercial Court, resulting in a ruling that held MS Glow accountable as the defendant. As a consequence, PS Glow, the plaintiff, was mandated to provide compensation of approximately IDR 37.9 billion. The core issue in both cases revolves around the similarity of beauty product brand names. Both parties assert their exclusive intellectual property rights, vehemently denying any form of plagiarism. Notably, these legal cases do not fall within the purview of the Nebis In Idem doctrine since the Surabaya Court proceedings commenced prior to the issuance of the judgment from the Medan Commercial Court. The case between PS GLOW and MS GLOW does not fall under this principle because there is a clear legal mechanism for filing objections and appeals, as well as legal procedures before the case can be retried in a different court. Furthermore, the litigants in these two cases differ; the Medan Commercial Court case involved Shandy Purnamasari and Putra Siregar, while the Surabaya Commercial Court case encompassed PT PS Glow Bersinar Indonesia, PT Cosmetics Global Indonesia, PT Cosmetics Cantik Indonesia, and their respective owners. This complex legal dispute has now reached the cassation court, where the unresolved conflict between the two parties continues to undergo scrutiny. MS GLOW has contested the initial verdict from the Surabaya District Court and refuses to accept the judgment.

VII. References

Anwari, Alfida Novianti, and Imanudin Affandi. "Arbitrase Sebagai Alternatif Penyelesaian Sengketa Kekayaan Intelektual Terhadap Pelanggaran Merek." *Justitia: Jurnal Ilmu Hukum Dan Humaniora* 8, no. 6 (2021): 1449–57. http://jurnal.um-tapsel.ac.id/index.php/Justitia/article/view/3898/pdf.

Arikunto, S. *Prosedur Penelitian Suatu Pendekatan Praktek*. Jakarta: Rineka Cipta, 2010.

BP Lawyers. "Putusan MS Glow v. PS Glow Pada 2 Pengadilan Niaga Yang Berbeda, Mengapa Bisa Demikian?" 29 Agustus 2022, 2022.

Butarbutar, Elisabeth Nurhaini. "Asas Ne Bis in Idem Dalam Gugatan Perbuatan Melawan Hukum." *Jurnal Yudisial* 11, no. 1 (2018): 23. https://doi.org/10.29123/jy.v11i1.167.

Creswell, John W. *Research Design Pendekatan Penelitian Kualitatiif, Kuantitatif, Dan Mixed*. Surakarta: Pustaka Pelajar, 2013.

Diyani, Trini, and Agus Sardjono. "Analisis Sengketa Dagang Merek Terkenal Antara Tbl Licensing Analisis Sengketa Dagang Merek Terkenal Antara Tbl Licensing Llc Dengan Timberlake Indonesia (Studi Kasus Putusan Llc Dengan Timberlake Indonesia (Studi Kasus Putusan." *Technology and Economics Law Journal* 1, no. 2 (2022). https://scholarhub.ui.ac.id/telj/vol1/iss2/6.

Fahthiya Al'Uzma, O.K. Saidin, et al.,. "Analisis Putusan Dan Pertimbangan Hakim Dalam Perkara Sengketa Merek Antara Starbucks Corporation Melawan Sumatera Tobacco Tranding Company." *Loctus Journal of Academic Literature Review* 2, no. 4 (2023): 363.

https://jurnal.locusmedia.id/index.php/jalr/article/view/154.

Fariha, Tharra, Budi Santoso, and Rinitami Njatrijani. "SENGKETA MEREK ANTARA SOLARIA DENGAN SOLARIS (Studi Kasus Putusan Nomor 3/Pdt.Sus-HKI/2020/PN Niaga Mks)." *Diponegoro Law Journal* 11, no. 2 (2022): 9–25.

Gracia, Indiera Fortuna, Kurniawan, and Eduardus Bayo Sili. "Analysis of Intellectual Property Rights Disputes Between PS Glow and MS Glow in View of Law No. 20 of 2016 Concerning Marks and Geographical Indications (Analysis of Decision of Case Number: 2/Pdt.Sus.HKI/Merek/2022/PN.Niaga Sby)." *International Journal of Social Science Research and Review* 5, no. 1 (2023): 159–65.

Gunawan, Yusuf. "Penyelesaian Sengketa Merek Terdaftar Dan Merek Terkenal Dalam Mewujudkan Perlindungan Hukum." *Iblam Law Review* 2, no. 2 (2022): 141–64. https://doi.org/10.52249/ilr.v2i2.80.

Hukum, Metode Penelitian. *Lubis, A*. Jakarta: PT Raja Grafindo Persada, 2017.

Ilmiawan, Sidik, and Elfrida Ratnawati Gultom. "Analisis Putusan Nomor 2/Pdt.Sus.HKI/Merek Dagang Antara MS Glow Dengan PS Glow." *Unes Law Review* 5, no. 2 (2022): 331–38. https://doi.org/10.31933/unesrev.v5i2.

Indonesia, Pemerintah. "Undang-Undang Nomor 30 Tahun 1999 Tentang Arbitrase Dan Alternatif Penyelesaian Sengketa." *UU No 30 1999*, 1999, 41–51.

Jotyka, Gossain, and I Gusti Ketut Riski Suputra. "Prosedur Pendaftaran Dan Pengalihan Merek Serta Upaya Perlindungan Hukum

Terhadap Merek Terkenal Menurut Undang-Undang Nomor 15 Tahun 2001." *Ganesha Law Review* 3, no. 2 (2021): 125–39. https://doi.org/10.23887/glr.v3i2.447.

Junaidi, Junaidi, Yona Kristin Simbolon, Parlaungan Gabriel Siahaan, and Dewi Pika Lbn Batu. "PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU PENCEMARAN LINGKUNGAN SEBAGAI AKIBAT LIMBAH B3 (Studi Kasus Putusan Nomor 1482/Pid.Sus-LH/2021/PT MDN)1." *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 9, no. 4 (2022): 1483–90. http://jurnal.um-tapsel.ac.id/index.php/nusantara/index.

Karina, Rahmadia Maudy Putri, and Rinitami Njatrijani. "Perlindungan Hukum Bagi Pemegang Hak Merek Dagang Ikea Atas Penghapusan Merek Dagang." *Jurnal Pembangunan Hukum Indonesia* 1, no. 2 (2019): 194–212. https://doi.org/10.14710/jphi.v1i2.194-212.

Konstitusi, Advokasi. "Beda Putusan Pengadilan Ms Glow Vs Ps Glow Kian Memanas." Advokasi Konstitusi, 2022. https://advokatkonstitusi.com/beda-putusan-pengadilan-ms-glow-vs-ps-glow-kian-memanas/2/.

Mahkamah Agung. Putusan PN Medan 2/PDT.SUS-HKI/MEREK/2022/PN NIAGA MDN (2022).

———. Putusan Pn Surabaya 2/PDT.SUS-HKI/MEREK/2022/PN NIAGA SBY (2022).

Maulidina, Hanifah Isyana, and Devi Siti Hamzah Marpaung. "Penyelesaian Sengketa Merek Dagang Melalui Arbitrase Berdasarkan Undang-Undang Nomor 30 Tahun 1999." *JUSTITIA : Jurnal Ilmu Hukum Dan Humaniora* 9, no. 1 (2022):

475–87. http://jurnal.um-tapsel.ac.id/index.php/Justitia.

Modami, Brian Jeremy, and Gunardi Lie. "An Analysis of Trademark Disputes Between MS Glow and PS Glow." *QISTINA: Jurnal Multidisiplin Indonesia* 2, no. 1 (2023): 511–14. https://doi.org/10.57235/qistina.v2i1.530.

Mukarramah, Mukarramah, Ruslan Renggong, and Baso Madiong. "Nebis in Idem Dalam Perkara Perdata Pada Putusan Pengadilan Agama Maros." *Indonesian Journal of Legality of Law* 5, no. 1 (2022): 151–58. https://doi.org/10.35965/ijlf.v5i1.1895.

Nopiana, Nopiana, and Hari Sutra Disemadi. "Perlindungan Hukum Terhadap Pemegang Hak Merek: Suatu Kajian Komparatif Antara Jepang Dan Indonesia." *Widya Yuridika* 4, no. 2 (2021): 389–400. https://doi.org/10.31328/wy.v4i2.2283.

Nugraha, Rizal, and Hana Krisnamurti. "Sengketa Merek Terdaftar Di Direktorat Jenderal Hak Kekayaan Intelektual Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis." *Wacana Paramarta: Jurnal Ilmu Hukum* 18, no. 2 (2019): 97–114. https://doi.org/10.32816/paramarta.v18i2.70.

Palendeng, Sonny Engelbert, Merry E Kalalo, Deasy Soeikromo, Merek Dagang, and Hak Kekayaan Intelektual. "Penyelesaian Sengketa Merek Dagang Dikaitkan Trademark Dispute Resolution Is Associated With Legal." *Jurnal Pemikiran Dan Penelitian Ilmu-Ilmu Sosial, Hukum, & Pengajarannya* XVI, no. 2, Oktober (2021): 274–86.

Pemerintah Pusat. "Undang-Undang (UU) Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis." *Jdih Bpk Ri*, no. 1 (2016):

1–51. https://peraturan.bpk.go.id/Home/Details/37595/uu-no-20-tahun-2016.

Pinem, Eine Yamitha, Septri Widiono Widiono, and Irnad Irnad. "Kemiskinan Struktural Komunitas Nelayan Di Kelurahan Sumber Jaya, Kecamatan Kampung Melayu, Kota Bengkulu." *Jurnal Sosiologi Nusantara* 5, no. 2 (2019): 91–112. https://doi.org/10.33369/jsn.5.2.91-112.

Pusat, Pemerintahan. "Undang-Undang (UU) Nomor 15 Tahun 2001 Tentang Merek," 2016, 62. https://peraturan.bpk.go.id/Home/Details/37599/uu-no-15-tahun-2001.

Putra, Ilhamdi, and Khairul Fahmi. "Karakteristik Ne Bis In Idem Dan Unsurnya Dalam Hukum Acara Mahkamah Konstitusi." *Jurnal Konstitusi* 18, no. 2 (2021): 345. https://doi.org/10.31078/jk1824.

Soekanto, S. *Pengantar Penelitian Hukum*. Jakarta: UI Press, 2017.

Sukalandari, N, W Budiartha, and P Sriasih Wesna. "Plagiasi Merek Dagang Antara Ms Glow Dan Ps Glow." *Jurnal Analogi Hukum* 5, no. 1 (2023): 48–54.

Supranto, J. *Metode Penelitian Hukum Dan Statistik*. Jakarta: PT Rineka Cipta, 2003.

Wijaya, Satya Lejar, Budi Santoso, and Edy Sismarwoto. "Pembuktian Asas Itikad Baik Dan Itikad Tidak Baik Dalam Sengketa Merek Terkenal 'SUPERMAN' Antara DC COMICS Melawan PT Marxing Fam Makmur (Studi Kasus Putusan Nomor 29/PDT.Sus/Merek/2019/PN JKT.PST)." *Diponegoro Law Journal* 11, no. 2 (2022). https://ejournal3.undip.ac.id/index.php/dlr/article/view/33351.

Yanti, Novi, and Devi Siti Hamzah Marpaung. "Penyelesaian Sengketa Merek PS Glow Melawan MS Glow Berdasarkan Undang-Undang No. 30 Tahun 1999 Tentang Arbitrase Dan Alternatif Penyelesaian Sengketa." *Jurnal Ilmiah Wahana Pendidikan* 8, no. 18 (2022): 540–50.

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The author declares that there are no conflicts of interest in the publication of this article. This means the author has no financial, personal, or professional relationships with any parties that could influence the interpretation or presentation of data and research results in this article. This statement also indicates that all information presented is objective and free from external influences that could introduce bias in the conclusions drawn.

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