

Fortification of Traditional Medicine Manufacturers Efforts to Register Trademarks

Dewi Sulistianingsih  ORCID Link:
Faculty of Law, Universitas Negeri Semarang, Indonesia
Email; dewisulistianingsih21@mail.unnes.ac.id

Sadam Agus Sulistiyanto
Faculty of Law, Universitas Negeri Semarang, Indonesia
Email:

Abstract

The brand of a product has many benefits for the progress of business, both individuals and certain legal entities, including traditional medicine manufacturers in the Nguter market, Sukoharjo Regency. However, there are many obstacles and problems that prevent manufacturers from being willing to register their traditional medicine product brands. This is certainly very unfortunate considering that traditional medicines produced by the people of Sukoharjo Regency have many benefits for consumers and have a long history. The results of the study explain that. The important function of trademark registration for traditional medicine producers in the Nguter Market area of Sukoharjo Regency is to provide certainty for brand rights owners, prevent crimes related to trademark rights, obtain exclusive rights to brands, encourage other traditional medicine producers to register



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their product brands. The trademark registration process for traditional medicine producers in the Nguter Market area of Sukoharjo Regency is registering yourself online or using the services of an Intellectual Property consultant or through the Regional Government of Sukoharjo Regency

KEYWORDS

Trademark Registration, Traditional Drug Manufacturer, Nguter Market, Sukoharjo

Introduction

The brand is part of the form of intellectual work with a significant role related to the smooth running and improvement in commerce, both goods and services. This is because the usefulness of the brand is aimed at differentiating related products. One of the great benefits of legal protection related to the brand of a product is to provide protection for product brands in accordance with the provisions where it will be able to provide protection for its users, especially related to product counterfeiting regulated in Law No. 20 of 2016 concerning Brands and Geographical Indications.

The state has carried out legal protection of the mark as an intellectual property right last for a predetermined period of time based on the trademark registration certificate¹.

The importance of registering Intellectual Property, especially in a number of Intellectual Property fields that require registration to obtain legal protection for its creators, cannot be ignored. The importance of registering Intellectual Property, especially in a number of Intellectual Property fields that require registration to obtain legal protection for its

¹ Niru Anita Sinaga, "Pentingnya Perlindungan Hukum Kekayaan Intelektual Bagi Pembangunan Ekonomi Indonesia," *Jurnal Hukum Sasana* 6, no. 2 (2020): 144–65, <https://doi.org/10.31599/sasana.v6i2.385>.

creators, cannot be ignored². The importance of registering Intellectual Property, especially in a number of Intellectual Property fields that require registration to obtain legal protection for its creators, cannot be ignored. The importance of registering Intellectual Property, especially in a number of Intellectual Property fields that require registration to obtain legal protection for its creators, cannot be ignored³. The simple registration process can be carried out at the Directorate of Intellectual Property with several stages of process from examination to granting rights to the mark in the form of issuance of a trademark certificate which will be recorded in the general register of marks⁴.

Trademark rights are preferentially granted by the state to owners of marks legally registered in the general register of marks for a certain period. With the exclusive trademark rights owned by the owners of this mark, he has the right to utilize and use his own mark and other parties who do not have the right are prohibited from using the mark except with permission from the owner of the mark. This trademark right also gives rise to economic rights for the owner because with this right the brand owner has the right to obtain economic benefits from a brand that thirty-six have utilized. This economic right is in the form of monetary profits obtained from using its own brand or because it is used by other parties under licenses.

Through the brand, entrepreneurs can maintain and guarantee the quality of goods and / or services produced and / or prevent dishonest competition from other entrepreneurs who have bad intentions in the goods and / or services that have been produced by the entrepreneur⁵. Legal

² Mohammad Makbul and Lidia Fathaniyah, "Upaya Peningkatan Kesadaran Hukum Melalui Pendaftaran Merek Bagi Pelaku Usaha Kecil Menengah Berbasis Mahasiswa," *Jurnal Literasi Pengabdian Dan Pemberdayaan Masyarakat* 2, no. 1 (2023): 47–55, <https://doi.org/10.61813/jlppm.v2i1.33>.

³ Khoirul Hidayah, *Hukum Hak Kekayaan Intelektual* (Malang: Setara Press, 2017).

⁴ Hana Krisnamurti, "Perlindungan Hukum Terhadap Pemalsuan Merek Bagi Pelaku Usaha Kecil," *Wacana Paramarta: Jurnal Ilmu Hukum* 20, no. 4 (2021), <https://doi.org/https://doi.org/10.32816/paramarta.v20i4.134>.

⁵ Kadek Mei Antari I Wayan Wahyu Wira Udytama, "Akibat Hukum Bagi Pelaku Usaha Leslie Auric Yang Tidak Mendaftarkan Hak Merek Dagang Dalam Kegiatan Usaha," *Yustitia* 17, no. 2 (2023): 87–94, <https://doi.org/https://doi.org/10.62279/yustitia.v17i2.1129>.

protection of marks only applies to marks that have been registered. Trademark registration will provide stronger protection, especially if it conflicts with identical or similar marks. Legal protection of marks only applies to marks that have been registered. Trademark registration will provide stronger protection, especially if it conflicts with identical or similar marks⁶.

Brand protection in Indonesia aims to deal with the many cases of brand counterfeiting of related products whose quality is not good compared to the original product whose brand has been counterfeited. There are also many cases of counterfeiting brands of traditional medicine products based on the motive of getting profits quickly and ultimately harming entrepreneurs and traditional medicine manufacturers who make original products. This problem is often based on traditional medicine manufacturers being less responsive and do not really care about the importance of brand protection aspects because they consider that brand protection does not have a major adverse impact on the progress of their business.

Regarding trademark registration itself, in general, there have been many scientific papers that review it. However, based on preliminary research researchers, there is still no research on trademark registration for traditional drug manufacturers, especially in the Nguter Market area, Sukoharjo Regency. Research from Suhargon⁷ which explains that the drivers of MSMEs are those who become novice businesspeople and play a significant role in the economic development of the community so that trademark rights registration can provide many benefits for these MSMEs. The results of the study explained that there are still many MSME

⁶ Muhammad Alfaruq Nirwana, "Perlindungan Hukum Bagi Pemegang Hak Merek Yang Sudah Terdaftar," *Legal Dialectics* 2, no. 1 (2023), <https://jfh.uniss.ac.id/index.php/home/article/view/26>.

⁷ Rahmat Suhargon, "Analisa Hukum Terhadap Pentingnya Pendaftaran Hak Merek Dagang Bagi UMKM Dalam Rangka Meningkatkan Perekonomian Rakyat (Berdasarkan Undang-Undang No. 20 Tahun 2016 Tentang Hak Merek Dan Indikasi Geografis)," *Jurnal Ilmiah Muqoddimah: Jurnal Ilmu Sosial, Politik, Dan Humaniora* 3, no. 2 (2019): 67–73.

entrepreneurs in general who do not register their product trademark rights for assorted reasons including not knowing the applicable procedures and fear because they think that registration fees are expensive.

Sukoharjo Regency is one of the regions in the territory of Indonesia with a variety of potentials possessed. Sukoharjo Regency has a lot of potential both in the industrial, natural, and cultural sectors as well as local wisdom which until now still has an existence and affects the source of livelihood of its population, namely as a producer of traditional medicines. Traditional medicine does have an extraordinarily strong relationship with Sukoharjo Regency. The existence of traditional medicine in Indonesian society will always be related to the existence of herbal medicine and traditional medicine produced by residents of Sukoharjo Regency. This also makes Sukoharjo Regency considered to be a pioneer as well as a center for traditional medicine and national herbal medicine. The existence of herbal medicine and traditional medicine in the Sukoharjo Regency area has existed since the ancient Mataram era and has experienced developments that can survive until now, especially those processed by the people of Nguter Village, Sukoharjo Regency who are believed to have become producers of traditional medicine for the Royal family of the Sultan of Surakarta. The development of traditional medicine in the modern era is supported by the existence of traditional medicine entrepreneurs who have pioneered their businesses since the 1980s⁸.

Based on data from the Sukoharjo Regency government until 2023, there are at least thirty-five herbal medicine shops in the Sukoharjo nguter market area that trade traditional medicines. The use of traditional medicine not only serves as a medical solution, but also reflects the rich cultural values and strong health traditions in Sukoharjo. This culture is enriched with knowledge of medicinal herbs, traditional medicine

⁸ Osama Donny Kosasih, "Peran Kojai Dalam Pemberdayaan Pengusaha Jamu Tradisional Sukoharjo" (Universitas Islam Negeri Walisongo, 2021), https://eprints.walisongo.ac.id/id/eprint/13565/1/Skripsi_1705026077_Osama_Donny_Kosasih.pdf.

techniques and their numerous benefits. Traditional medicine becomes a way to maintain a balance between body, mind, and spirit.

Although traditional medicine still has a strong place in Sukoharjo's public health culture, social and economic changes have affected the way people access and use traditional medicine, including in modern businesses run by traditional medicine manufacturers in the Nguter Market area of Sukoharjo Regency.

The business sector, including traditional medicine producers in the Nguter Market area, Sukoharjo Regency, will not be separated from the existence of service or trademarks because the brand becomes the identity of every product that has been produced. According to article 1 paragraph 1 of Law no. 20 of 2016 concerning brands and geographical indications which explains that a brand is a sign displayed in graphic form in the form of logos, names, images, words, numbers, letters, color groups both two-dimensional and also three-dimensional, holograms, sounds or a combination of at least two components that aim to distinguish products from companies and individuals related to buying and selling transactions of a particular product.

Another research, namely from Nurul Hidayati⁹, which discusses trademark protection in Indonesia, is still unable to provide optimal protection for many local brands, especially when viewed from the existence of a free market that opens up great opportunities to imitate various local brands from foreign entrepreneurs because local entrepreneurs have not registered their brands in Indonesia. This study also discusses international regulations on the Madrid protocol which have numerous benefits but on the other hand also bring disadvantages for registered brands. The advantage of the Madrid protocol regulation is that the registered brand will get protection in the territory of Indonesia and every country that is used as a registration destination. But the drawback is that if the proposed product

⁹ Nurul Hidayati & Naomi Yuli Ester S., "Trademark Protection Urgency Through the Madrid Protocol," *Legislasi Indonesia* 14, no. 2 (2017), <https://doi.org/https://doi.org/10.54629/jli.v14i2.100>.

includes several kinds of products and services and if there is one that is not accepted or canceled, it will make all submitted products rejected or not accepted.

Further research from Jasmine¹⁰, explained that there are still many MSMEs that do not register their product brands because they do not understand the importance of trademark registration based on Law No. 20 of 2016 concerning Brands and Geographical Indications. The lack of understanding is because many MSME entrepreneurs do not think in the long term about the development of their business and the lack of information they get.

Based on some of these previous studies, the research of the researcher has its own position as well as originality and renewal, especially about the changes to Law No. 15. In 2001 concerning marks became Law No. 20 of 2016 concerning marks and geographical indications. Another difference is also related to the level of understanding of the people of Sukoharjo Regency, especially in the Nguter market area which is a producer of traditional medicine as part of traditional knowledge and the nation's heritage.

Referring to these conditions, traditional medicine manufacturers in Pasar Nguter Sukoharjo need to understand that they are the successors of the nation's heritage and registration of their marks can help maintain and popularize the heritage. With the registration of their traditional medicine brands, traditional medicine manufacturers can be more effective in marketing their products and meet the expectations of consumers who appreciate the cultural aspects in traditional medicine. The cause of many problems that always occur is that traditional medicine manufacturers are less responsive and less concerned about the importance of brand protection, they always assume that brand protection does not have an

¹⁰ T Fairuz Jasmine, "Analisis Hukum Terhadap Urgensi Pendaftaran Merek Bagi Pelaku Usaha Mikro, Kecil, Dan Menengah (UMKM) (STUDI PUTUSAN NOMOR 646 K/Pst.Sus-HKI/2021)," *Iuris Studia: Jurnal Kajian Hukum* 2, no. 20 (2021): 644–52, <https://doi.org/10.55357/is.v2i3.186>.

adverse impact on the development of their business. Based on these conditions, the author in this case will make a study entitled "Fortification of Trademark Registration for Traditional Drug Manufacturers in the Nguter Market Area, Sukoharjo Regency". The term fortification in KBBI is strengthening. So, this article will focus on strengthening MSMEs in the Nguter Area of Sukoharjo Regency by registering a trademark.

This article focuses on two issues, namely: how is the important function of trademark registration for traditional drug manufacturers in the Nguter Market area, Sukoharjo Regency and how is the trademark registration process for traditional drug manufacturers in the Nguter Market area, Sukoharjo Regency and what obstacles are faced in registering a brand.

Methods

This research uses empirical juridical method with qualitative descriptive approach. The qualitative approach in this study departs from an attempt to construct the perspective of the research subject in detail, the understanding is oriented to observe the emic view, or everything seen using the perspective of the research subject. This study was conducted to analyze the strengthening of MSMEs producing traditional medicines in Nguter District, Sukoharjo Regency, Central Java through trademark registration.

This research was conducted on traditional herbal medicine distributors in small businesses in Sukoharjo Regency, namely: (1) Warung Jamu Werkudoro owned by Mrs. Rusmiyati, Pasar Nguter RT.01 RW.05 Sukoharjo; (2) Jamu Punto Dewa Shop owned by Mrs. Ruwi and Hj. Maryani Mrs. Zahroh Jannatun Naim, Jl. Punto dewa RT 007 RW 015 Cemani, Grogol, Sukoharjo; (3) Warung Jamu Bu Tutik owned by Ibu Martutik, Pasar Nguter RT.01 RW.05 Sukoharjo; (4) Jamu Bu Handa Shop owned by Mrs. Sri Handayani, Pasar Nguter RT.01 RW.05 Sukoharjo.

In addition, this research was also conducted on traditional herbal

medicine producers in small businesses in Sukoharjo Regency, namely: (1) Mrs. Riyanti Agustina with the business name Wedang Uwuh Risolo, Nguter Market RT.01 RW.07, Nguter District, Sukoharjo Regency; (2) Mrs. Arini with the business name Sabdo Palon, Hamlet I, Nguter District, Sukoharjo Regency; (3) Mr. Parman with the business name Parman, Karanglo RT.01 RW.10, Bendosari District, Sukoharjo Regency.

Result and Discussion

1. Important function of trademark registration for traditional drug manufacturers in the Nguter Market area, Sukoharjo Regency

Based on article 1 Paragraph 1 of Law No. 20 of 2016 concerning brands and geographical indications, it is explained that the definition of a brand is a sign displayed in graphic form in the form of logos, names, images, words, numbers, letters, color groups both two-dimensional and three-dimensional, holograms, sounds or a combination of at least two components that aim to distinguish products from companies and individuals related to buying and selling transactions of a particular product. Based on the understanding of the regulation, the form of the brand can be classified into 2 types, namely: (1) traditional brands which are generally in the form of logos, words, names, letters, images, numbers and color combinations and brands in two-dimensional form; (2) non-traditional brands that are generally holographic, 3-dimensional, or sound-shaped.

Based on the classification of these types of brands, most products made by traditional medicine producers in the Nguter market of Sukoharjo Regency can be classified as products with traditional brands.

Referring to article 1 paragraph 3 of Law no. 20 of 2016, the red type can be classified into two categories, namely: (1) trademarks intended for products from individuals and legal entities as a differentiator compared to

other similar products; (2) Service marks intended for certain services from individuals or legal entities as a differentiator compared to the provision of other similar services.

Based on Article 1 Paragraph 3 of Law No. 20 of 2016, in general, products made by traditional medicine producers in Nguter Market, Sukoharjo Regency can be classified into trademarks because what is traded is in the form of merchandise and not in the form of services.

The creation of a brand in intellectual property rights is not only limited to results, but also has a function that is beneficial to a person or a product and service. Marks are used to distinguish an item or as a sign to recognize an item, thus adding distinctive value to the Company¹¹. Every producer in his business activities cannot avoid using trademarks as an identity that characterizes his products or services¹².

The brand has a very strong relationship with the characteristics and quality and identity of the goods and services offered by the producer so that it is part of the assets owned by the producer. This makes counterfeiting and imitation and brand piracy can have many negative impacts on traditional medicine producers in the Nguter Market area, Sukoharjo Regency, especially if the brand counterfeiting has significant differences in product quality because in addition to harming the original traditional medicine producers, it can also endanger consumers who use these traditional medicines¹³.

Brands with their main function as differentiators of other similar products also have several other functions including¹⁴: (1) Creating health in a business climate; (2) Provide protection for consumers; (3) Tools for manufacturers in developing aspects of their business; (4) Tools increase

¹¹ Yolanda Eronisa Siahaya et al., "Kriteria Dan Pelaksanaan Hak Merek Sebagai Objek Jaminan Kredit," *Tanjungpura Law Journal* 8, no. 1 (2024): 101–16, <https://doi.org/10.26418/tlj.v8i1.75451>.

¹² Dwi Atmoko and Melanie Pita Lestari, "Perlindungan Hukum Bagi Pemilik Hak Merek Yang Sudah Terdaftar," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 5, no. 1 (2024): 231–38, <https://ojs.daarulhuda.or.id/index.php/Socius/article/view/169/178>.

¹³ Hery Firmansyah, *Perlindungan Hukum Terhadap Merek* (Jakarta: Medpress, 2013).

¹⁴ Firmansyah.

product value; (5) Able to introduce products and product names more broadly; (6) Introduce the identity of the manufacturer.

Based on several functions of the brand, it is a form of necessity for traditional medicine manufacturers, especially producers in the Nguter Market area, Sukoharjo Regency to register the brands of traditional medicines they produce.

For the trademark rights to receive protection and recognition from the state, the owner of the mark must register it with the state. If a mark is not registered, it will not be protected by the state. Consequently, the brand can be used by everyone¹⁵.

A registered brand that is already known to the public can provide enormous economic benefits for brand owners, including traditional medicine manufacturers. Based on these conditions, legal protection related to brand rights for traditional medicine producers in the Nguter market area of Sukoharjo Regency is very necessary because it has many positive impacts, namely¹⁶:

1. Provide legal guarantees and certainty for inventors, holders, and owners of trademark rights.
2. As a form of prevention of every form of crime related to brand rights which can later help law enforcement and justice for traditional medicine manufacturers who have rights to their product brands.
3. Based on article 3 of Law no. 20 of 2016 concerning marks and geographical indications, it is explained that there are exclusive rights related to the use of a brand. The definition of exclusive rights itself is the granting of rights from the state to the owner of a mark that has been recorded in the general register of marks at a certain period to be able to use the brand itself or allow other parties to use the mark. In more detail, this exclusive gift can provide benefits including:

¹⁵ Nisrina Najibah Bunga Resgia A.S., Dzikra Delvina N., Jufri Haykal M. H., "Dinamika Perlindungan Merek Dalam Era Digital," *Jurnal Hukum Dan HAM Wara Sains* 03, no. 01 (2024): 69–76, <https://doi.org/https://doi.org/10.58812/jhhws.v3i01.932>.

¹⁶ Iswi Haryani, *Prosedur Mengurus HAKI (Hak Atas Kekayaan Intelektual) Yang Benar* (Yogyakarta: Pustaka Yustisia, 2010).

- a. Opportunities in franchising and licensing, where those who are owners of the recorded brand have the right to license for other parties accompanied by a contract that the recipient can use the mark for business purposes both in part and all types of products. The license can be applied in any area in the territory of the Republic of Indonesia where there are exceptions if otherwise agreed, with the period must be less than the period of protection of the registered mark. Registered brand voters will later get royalties or benefits from licensing to these other parties. Based on these benefits, traditional medicine producers in the Nguter Sukoharjo market area who have registered their product brands can license other entrepreneurs who want to use their brands so that traditional medicine producers can get additional profits
- b. Optimize the effectiveness of negotiations. Companies or manufacturers that have certain brands and have been registered can more easily promote their branded products, especially if they want to seek funding injections to investors. This can provide many benefits for traditional medicine producers in the Nguter Sukoharjo market area, especially if they want to develop their business and need investors to provide capital injections.
- c. Strengthen the positive image of the manufacturer. Manufacturers who have registered their product brands indicate that there is producer responsibility for the quality of the products they make. This will later affect the level of consumer loyalty of products made by traditional medicine manufacturers Pasar Nguter Sukoharjo Regency to help in the progress of its business.
- d. Optimize market share. Products that already have a registered brand Mesh and can maintain and improve its quality will be better known to consumers and will certainly optimize the manufacturer's market share. Likewise, traditional medicine producers in the Nguter market area of Sukoharjo Regency who are trying to develop their

market share are required to register their product brands so that they can help them to optimize market share.

4. Providing benefits for traditional medicine producers in the Nguter market area, Sukoharjo Regency, namely so that other traditional medicine producers are motivated to register their traditional medicine product brands.

Producers who have not registered their product brands including traditional medicine producers in the Nguter market in Sukoharjo Regency will not have the right to get legal protection for each of their products, lose the potential to obtain investor funds, reduce consumers due to the absence of brands in their products and find it more difficult to promote and market their products massively. Traditional medicine producers in the Nguter market area, Sukoharjo Regency are also more vulnerable to product counterfeiting if they do not register their products or even lose the right to use their products if there are other producers who have registered similar brands. Some of these points indicate that trademark registration of traditional medicine products is very necessary for traditional medicine manufacturers, especially to maintain their business or even develop it better.

2. The Trademark Registration Process for Traditional Drug Manufacturers in The Nguter Market Area, Sukoharjo Regency and The Obstacles Faced

Indonesia follows a constitutive system related to trademark registration of a product where those who have registered their brand first are exclusive parties who have rights related to the mark so that other parties are obliged to respect the rights they have because it is an absolute right to have registered a particular brand. Constitutive stelsel is a system that adopts the principle of first to file where the registration of a mark is only given to the party who first registers the mark so that the state will be prohibited from giving a mark to products that already have the same mark for similar products. Regarding the brand in a product, the benchmark is

not related to the length of use but related to those who apply for registration first. This has been clearly regulated based on Law no. 20 of 2001 regarding brands and geographical indications¹⁷.

Registration of a mark is a must for the owner of the mark, but the right to the mark will only be granted by the Directorate of Trademarks if the request for registration of the mark by the trademark applicant is made in good faith¹⁸. The element of good faith in a trademark registration request is an important element. A good faith applicant is an applicant who registers his mark honestly and properly without any intention to piggyback, imitate, or plagiarize the fame of another party's mark for his business interests which results in losses to the other party or creates conditions of fraudulent competition, deceives, or misleads consumers¹⁹.

There are several stages that must be carried out by traditional medicine manufacturers in the Nguter Market area, Sukoharjo Regency based on Law No. 20 of 2016, namely:

1. The applicant and the applicant's attorney visit the regional office and fill out the trademark registration form provided by the Minister of Law and Human Rights
2. Requesting is required to fill out the form using Indonesian which includes.
 - a. Date, month and year of application.
 - b. Full name of the applicant
 - c. Citizen of the applicant country
 - d. Address of the Applicant
 - e. Full name of the authority when the application is carried out through the authority of the applicant.

¹⁷ Sudaryat, *Hak Kekayaan Intelektual* (Bandung: Oase Media, 2010).

¹⁸ 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>.

¹⁹ Agus Mardianto, "Penghapusan Pendaftaran Merek Berdasarkan Gugatan Pihak Ketiga," *Jurnal Dinamika Hukum* 10, no. 1 (2010): 43–50, <https://doi.org/10.20884/1.jdh.2010.10.1.137>.

- f. The address of the authority when the application is made through the applicant's authority.
- g. If the applicant applies for priority rights, then the applicant must fill in the date of the trademark request and the name of the country.
- h. Type of brand
- i. Labels of brands
- j. Colour if the registered brand has a colour component.
- k. Product classes and their descriptions
- l. Signature of the applicant

In more detail, the requirements, and mechanisms for registering a trademark as an intellectual property right are regulated in article 3 chapter 2 of the Minister of Law and Human Rights No. 67 of 2016 regarding trademark registration:

- 1) Submission of an application is required to fill out duplicate form 2 both from the applicant and his attorney to the Minister of Law and Human Rights
- 2) The application under paragraph 1 includes several things:
 - a. Date, month and year of application.
 - b. Full name of the applicant, Citizen of the applicant, Address of the Applicant
 - c. Full name and address of the authority when the application is made through the authority of the applicant.
 - d. If the applicant applies for priority rights, then the applicant must fill in the date of the trademark request and the name of the country.
 - e. Labels of brands
 - f. Colour if the registered brand has a colour component.
 - g. Product classes and their descriptions
- 3) In accordance with paragraph 2, the request must include documents in the form of:
 - a. Proof of having paid the application fee.

- b. Brand label documents are 3 sheets, where the smallest size is 2 x 2 cm, and the enlargement is 9 x 9 cm.
 - c. Trademark ownership declaration document.
 - d. Power of attorney when the applicant submits through his/her Power of Law
 - e. Proof of priority when using priority rights and translation using Indonesian
- 4) Based on point number 2 letter e related to three-dimensional brands, brand label attachments in the form of visual brand characteristics and explanations of protection claims
 - 5) Based on point number 2 letter e related to the brand in the form of sound, attachment to the brand label in the form of notation and sound recording
 - 6) Based on point number 2 letter e related to sound-shaped brands where it cannot be displayed in the form of notation, the attachment of the brand label is in the form of a sonogram
 - 7) Based on point number 2 letter e related to hologram-shaped brands, brand label attachments are in the form of visual displays of various sides
 - 8) The format of the application form is determined by the Director General and applications can be made both electronically and non-electronically.

Based on these provisions, simply put, traditional medicine producers in Nguter Market, Sukoharjo Regency who want to register their brands can submit them to the regional office of the Ministry of Law and Human Rights of Central Java province with the mechanism:

- 1. Applicants can go to the office of the Ministry of Law and Human Rights of Central Java province to just consult or directly register their traditional medicine brand. Applicants, namely traditional medicine manufacturers, can also register their brands online by accessing [the Directorate General of Intellectual Property \(dgip.go.id\)](http://dgip.go.id), then create an

account and select the "online application" menu and fill out the form provided.

2. The applicant must meet every condition stipulated in Law No. 20 of 2016 to register his trademark.
3. Pay pnbp or non-tax state revenue in the amount of Rp. 500,000/application

If the trademark registration application meets the requirements, it can be granted trademark certification and then registered in the General Register of Trademarks. With the receipt of the trademark certificate and registration, the registered trademark owner has the right to enjoy and the right to exploit profits. The owner of a registered mark receives legal protection for infringement of trademark rights, both in tort and criminal claims. The owner of a registered mark also has the right to apply for cancellation of another person's trademark registration without rights²⁰.

Based on the convenience provided to be able to register product brands online, of course, it can shorten the time and costs needed by traditional medicine producers in the Nguter market area, Sukoharjo Regency. There are several obstacles that often-become problems related to trademark registration experienced by traditional medicine manufacturers in the Nguter market, Sukoharjo Regency, namely:

1. The lack of knowledge from traditional medicine manufacturers Pasar Nguter Sukoharjo Regency regarding the importance of brands for their business and the mechanism of trademark registration
2. The lack of socialization and counselling agendas and programs carried out by the Sukoharjo Regency Government to the community, especially those related to the intellectual property rights sector, including trademark registration of traditional medicine products.
3. The assumption of traditional medicine manufacturers that trademark registration of traditional medicine products requires expensive costs.

²⁰ Haedah Faradz, "Perlindungan Hak Atas Merek," *Jurnal Dinamika Hukum* 8, no. 1 (2008): 38–43, <https://doi.org/10.20884/1.jdh.2008.8.1.27>.

In fact, when viewed from the benefits that can be owned by traditional medicine manufacturers who have registered their product brands, the cost is very cheap.

4. The registration process takes quite a long time.
5. Traditional medicines produced by producers in Nguter, Sukoharjo Regency use traditional knowledge of the Sukoharjo community, so there are still many producers' perceptions that there is no need to be registered privately. Because the ownership of these traditional medicines is the common property of the community.

It is important for the government to increase socialization and education about the importance of trademark registration to the public. This can help people to better understand their intellectual property rights and provide better legal protection to their brands²¹. In addition, it is necessary to carry out brand socialization such as providing legal counseling on the importance of brands by going directly to the field by visiting small and medium industries which have been one of the economic strengths of the Indonesian nation²². Socialization can be carried out on an ongoing basis to traditional medicine producers in Nguter, Sukoharjo Regency, so that business actors have the awareness to register their brands.

Conclusion

The important function of trademark registration for traditional medicine manufacturers in the Nguter Market area of Sukoharjo Regency is to provide legal guarantees and certainty for inventors, holders and owners of trademark rights, prevention of every form of crime related to trademark

²¹ Muhamad Surahman et al., "Permasalahan Hukum Atas Hak Merek Yang Tidak Terdaftar Oleh Notaris Di Indonesia," *Istinbath: Jurnal Hukum* 20, no. 01 (2023): 1829–8117, <https://ejournal.penerbitjurnal.com/index.php/law/article/view/312>.

²² Meli Hertati Gultom, "Perlindungan Hukum Bagi Pemegang Hak Atas Merek Terhadap Perbuatan Pelanggaran Merek," *Jurnal Warta* 56, no. April (2014): 97–108, <https://doi.org/https://doi.org/10.46576/wdw.voi56.14>.

rights, obtaining exclusive rights related to the use of a brand, encouraging other traditional medicine manufacturers to register their traditional medicine product marks. The trademark registration process for traditional drug manufacturers in the Nguter Market area, Sukoharjo Regency is: a) visit the office of the Ministry of Law and Human Rights of Central Java province to register their traditional medicine brands or online by accessing [the Directorate General of Intellectual Property \(dgip.go.id\)](http://dgip.go.id), b) meet every requirement stipulated in Law No. 20 of 2016 in order to be able to register their trademarks; c) pay PNBP or non-tax state revenue; a total of Rp. 500,000/application.

For traditional medicine producers, especially in the Nguter market, Sukoharjo Regency to increase their understanding of the importance of understanding the brand of a product because it can provide many benefits for the development of their business. For the local government of Sukoharjo Regency or related agencies to conduct more massive counseling and socialization to the public and traditional medicine manufacturers specifically about trademark registration of a product. For the Ministry of Law and Human Rights to speed up the long waiting time for product registration so that it is more efficient and increases the public to register their product brands, especially manufacturers engaged in the traditional medicine sector.

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