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Bank Trademark Protection in the Digital Era: Comparative Study of Indonesia, United States, Oman

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Abstract

This article examines the protection of bank trademarks in Indonesia, the United States, and Oman, representing Civil Law, Common Law, and a mixed civil–Sharia–GCC legal system respectively. It addresses two main questions: how differences in legal traditions shape the regulation and enforcement of bank trademarks in the digital era, and what model of protection can be formulated to make such protection more adaptive to technology-based infringements while reinforcing depositor trust. Using a normative legal method with statute and comparative approaches, the study analyzes national trademark and banking regulations, international instruments such as TRIPS and the Madrid Protocol, GCC trademark rules, and relevant case law, interpreted through Lawrence M. Friedman's legal system theory (structure, substance, and legal culture). The findings show that the United States provides the most advanced protection for bank trademarks through the combination of the Lanham Act, doctrines of likelihood of confusion and dilution, specific tools such as the ACPA and UDRP, and strong coordination with financial regulators. Indonesia and Oman have aligned their substantive rules with international standards, but face structural and cultural constraints, including fragmented inter-agency coordination, the absence of fast-track and online dispute resolution mechanisms for digital disputes, and limited institutional capacity. The article proposes a hybrid, trust-centred model for Indonesia that strengthens substantive norms on bank trademarks, institutional coordination between IP, financial, and digital regulators, and rapid procedures for digital enforcement, while embedding consumer protection, good faith, and amanah as guiding principles.

KEYWORDS *Trademark Law Protection; Bank Trademarks, Legal Perspective.*

Introduction

Trademark is one of the most fundamental legal instruments supporting the dynamics of the modern economy. It functions not only as an indicator of the origin of goods or services, but also as a guarantee of quality, a strategic marketing tool, and a representation of the reputation attached to a business actor.[1] The strength of a trademark provides consumers with certainty in making choices, thereby making trademarks an essential element in building public trust and market stability. As technology and globalization advance, the economic value of trademarks as intangible assets has increased significantly and has become a key factor in business competition.[2] This condition requires legal protection for trademarks that is effective, consistent, and capable of anticipating increasingly complex forms of infringement.

The function and position of trademarks in the banking industry are becoming increasingly crucial because they are directly related to public trust in

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1 Jeannet Kunta Adjie and Christine Kansil, "Legal Protection for Owners of Well-Known Trademarks Viewed from the Principle of Well-Known Marks," *Journal of Law, Politic and Humanities* 5, no. 1 (November 2024): 314–23, https://doi.org/10.38035/jlph.v5i1.896.

2 Risti Saka and Faisal Santiago, "Legal Certainty Of Trademark Registration To Improve The Welfare Of Micro, Small And Medium Enterprises (Msmes)," *Jurnal Locus Penelitian Dan Pengabdian* 3, no. 11 (November 2024): 874–85, https://doi.org/10.58344/locus.v3i11.3271.

financial institutions. A bank's name, logo, and visual identity are not merely commercial identifiers, but symbols of credibility that influence customers' decisions to deposit funds and use financial services.[3] Misuse of bank trademarks, whether through imitation or counterfeiting, has the potential to cause broader losses than trademark infringement in other sectors because it affects the security of funds and the integrity of the financial system. Protection of bank trademarks is therefore not only a matter of the rights holder's interests, but also of consumer protection and the prevention of instability in the financial services sector. For this reason, strengthening the mechanisms for trademark protection in the banking industry is a necessity that cannot be ignored.

Digital transformation in banking services has expanded both the reach and the forms of trademark infringement that legal systems must anticipate. Services such as internet banking, mobile banking, digital wallets, and various fintech platforms have created space for new modes of infringement,[4] , such as phishing using bank names and logos, fake banking applications, websites and domain names imitating official banks, and misuse of bank visual identities to offer fictitious investments or illegal credit schemes. Such practices not only violate exclusive trademark rights, but also threaten personal data security, increase the risk of financial fraud, and erode customer trus.[5] At the international level, trademark protection is regulated through various multilateral instruments such as the TRIPS Agreement and the Madrid Protocol, which establish minimum standards concerning protected subject matter, exclusive rights, and enforcement.[6] The challenge lies in how these

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[3] Zalfa Laili Hamzah, Noor Adwa Sulaiman, and Maria Mohd Ismail, "Corporate Governance, Public Governance, Identity, Brand, Image and Reputation," in *Concepts of Corporate Governance and Public Governance* (Singapore: Springer Nature Singapore, 2026), 9–33, https://doi.org/10.1007/978-981-95-2449-5_2.

[4] Sujeeth Ungratwar, Dipasha Sharma, and Satish Kumar, "Mapping the Digital Banking Landscape: A Multi-Dimensional Exploration of Fintech, Digital Payments, and e-Wallets, with Insights into Current Scenarios and Future Research," *Humanities and Social Sciences Communications* 12, no. 1 (July 2025): 1064, https://doi.org/10.1057/s41599-025-05186-z.

[5] Latika Pinjarkar et al., "An Examination of Prevalent Online Scams: Phishing Attacks, Banking Frauds, and E-Commerce Deceptions," in *2024 Second International Conference on Advances in Information Technology (ICAIT)* (Karnataka: IEEE, 2024), 1–6, https://doi.org/10.1109/ICAIT61638.2024.10690377.

[6] Yasar Alhiniti and Sohib Hisham Ahmad Al-Denibat, "The Evolving Role of Digital Protection of Geographical Indication Within Global Legal Agreements," in *Generative Artificial Intelligence-Driven Innovation: Strategies and Ethical Frameworks for Responsible AI*, ed. Abdalmuttaleb M. A. Musleh Al-Sartawi and Arafat Salih Aydiner (Cham: Springer, 2026), 65–78, https://doi.org/10.1007/978-3-032-13149-2_6.

international standards are implemented effectively within each national context, especially where banking-sector trademark protection is concerned, given its strong dimensions of trust and security.

Indonesia, as a civil law country, regulates trademark protection through a written legal framework, primarily Law No. 20 of 2016 on Trademarks and Geographical Indications, which places registration as the basis for the emergence of exclusive rights. This system provides formal certainty through the first-to-file principle administered by the Directorate General of Intellectual Property (DJKI), but its enforcement still faces various obstacles. In the banking industry, these challenges are reflected in the widespread use of bank names and logos in fictitious financial product offerings, websites or applications resembling official services, and various practices that mislead consumers.[7] Handling such cases in practice requires close coordination among DJKI, the Financial Services Authority, Bank Indonesia, and law enforcement agencies, which has not always worked optimally. This condition shows a gap between the adopted norm of trademark protection and the actual need for protection in the banking sector.

The United States, as a common law country, has developed a relatively more mature trademark protection system through a combination of the Lanham Act and the important role of judicial precedent. This system emphasizes the first-to-use principle, which protects trademarks based on use in commerce, while also strengthening protection through federal registration administered by the United States Patent and Trademark Office (USPTO) as the administrative authority. In the banking and financial services sector, trademark protection is reinforced by a strict regulatory environment and the involvement of supervisory agencies such as the Federal Deposit Insurance Corporation (FDIC), the Federal Reserve Board, and the Office of the Comptroller of the Currency (OCC) in addressing misleading uses of bank names and identities. Doctrines such as likelihood of confusion, dilution, and anticybersquatting provide the basis for handling bank trademark infringements in digital and cross-border spaces, including through federal court jurisdiction.[8] Nevertheless, the rapid growth of fintech, the emergence of neobanks, and

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7 Sriono et al., "Legal Protection for Digital Bank Customers in Indonesia: Analysis of Data Confidentiality Regulations and Bank Responsibility," *LITIGASI* 25, no. 2 (October 2024): 301–30, https://doi.org/10.23969/litigasi.v25i2.18538.

8 Pierre-Christian Fink, "Caught between Frontstage and Backstage: The Failure of the Federal Reserve to Halt Rule Evasion in the Financial Crisis of 1974," *American Sociological Review* 88, no. 1 (February 2023): 24–52, https://doi.org/10.1177/00031224221131478.

rising cybercrime indicate that bank trademark protection in the United States still faces challenges that require continuous policy adjustment.[9]

Oman, as a Gulf state, presents a different perspective with a mixed legal system combining civil law elements, sharia principles, and regional harmonization through the GCC Trademark Law, which is adopted domestically through Royal Decree. This framework places registration as the basis for trademark protection and is administratively managed by the Ministry of Commerce, Industry and Investment Promotion (MOCIIP) as the authority responsible for trademark receipt, examination, and supervision.[10] In the context of financial and banking services, the regulation and supervision of financial institutions are carried out by the Central Bank of Oman, which has a direct interest in the clarity of identity and integrity of banking institutions. Protection of bank trademarks in Oman is closely linked to the values of trust, honesty, and prohibition of fraud that form the ethical foundation of the relationship between banks and customers, both from the perspective of positive law and sharia principles.[11] Although Omani regulations are aligned with international standards, their effectiveness in dealing with digital and cross-border bank trademark infringements still requires stronger institutional capacity and coordination among MOCIIP, the Central Bank of Oman, and law enforcement agencies.[12]

The comparison among Indonesia, the United States, and Oman offers a rich perspective because these countries represent different legal traditions, levels of economic development, and institutional configurations. As a developing country with a civil law system, Indonesia faces challenges in institutional strengthening and law enforcement amid the growth of the banking industry and the digitalization of services. The United States, as a developed country with a common law system, demonstrates how bank trademark protection can be integrated into a strong litigation environment and

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[9] Joshua Elijah, "Crossing Borders in Cyberspace: Rethinking Jurisdiction in Civil Litigation Amid the Rise of Digital Transactions," *SSRN Electronic Journal*, 2025, 1–26, https://doi.org/10.2139/ssrn.5505341.

[10] Muhanna Hamed Al Zuheimi, "Development of New Technologies and Intellectual Property Regulations in the Sultanate of Oman," ed. Nadia Naim (Singapore: Palgrave Macmillan, 2025), 79–107, https://doi.org/10.1007/978-981-96-4020-1_4.

[11] Mazhar M. Islam, "Regulations and Supervision of Financial Institutions in GCC Countries," *Managerial Finance* 29, no. 7 (August 2003): 17–42, https://doi.org/10.1108/03074350310768328.

[12] Sufian Abdel-Gadir and Muhammad Masum Billah, "Investigating the Key Drivers of Client Affiliation to Islamic Banking in Oman," *Journal of Islamic Marketing* 16, no. 1 (January 2025): 82–103, https://doi.org/10.1108/JIMA-02-2024-0082.

supported by established institutions, including the USPTO and financial sector regulators. Oman, with its mixed legal system, shows an effort to combine formal legal certainty, Sharia values, and regional commitments in protecting trademarks, including in the financial services sector, through the roles of the MOCIIP and the Central Bank of Oman. By comparing these three countries, it becomes possible to see how differences in legal structure, legal substance, and legal culture shape the pattern of trademark protection and enforcement in the banking industry. This comparison also opens space to identify a bank trademark protection model that is more adaptive to digital and cross-jurisdictional challenges.

The urgency of this research lies in the need to understand how trademark protection in the banking industry must continue to adapt to modern challenges, especially in the era of digital connectivity, which enables cross-border infringements to occur massively and rapidly. As high-value corporate assets that are closely tied to public trust, the failure to protect bank trademarks not only harms rights holders, but may also weaken customer confidence and disrupt the stability of the financial system. Developing countries such as Indonesia require comparative insights to strengthen the framework for bank trademark protection and adjust it to the new risks arising within digital financial service ecosystems. Countries such as Oman can benefit from evaluating the integration of national norms, Sharia principles, and regional law in responding to the challenges of bank trademark protection. Meanwhile, the experience of the United States as a more mature system provides an important reference on enforcement practices and regulatory adaptation that can inform the design of a more effective and responsive bank trademark protection model.

Johnson Sahat Maruli Tua Maruli et al., in the Journal of Human and Clinical Legal Studies, examine the reconstruction of the treatment of intellectual property, including trademarks, in bankruptcy law as an effort to optimize the economic value of intangible assets; however, that study does not specifically address the position of bank trademarks or their relationship with customer protection and the stability of the financial services sector.[13] Lailatul Farochah et al., in Academia Open, discuss the regulation of intellectual property rights as fiduciary collateral within the Indonesian legal framework, but the discussion remains focused on the construction of collateral law and does not connect the function of trademarks as instruments of trust in digital

[13] Johnson Sahat Maruli Tua Maruli et al., "From Failure to Future Reconstructing Intellectual Property in Bankruptcy Law," *Journal of Human Rights, Culture and Legal System* 5, no. 1 (May 2025): 279–318, https://doi.org/10.53955/jhcls.v5i1.569.

banking services.[14] Ryuichiro Izumi et al., in Finance and Economics Discussion Series, show that bank trademarks play an important role in competition and stability in the banking sector, but the study emphasizes econometric analysis and does not normatively explain the legal framework for bank trademark protection across jurisdictions.[15] Matteo Solinas, in SSRN Electronic Journal, examines the boundaries of the intellectual property regime over digital financial instruments, but does not specifically discuss bank trademark protection or the misuse of bank identity in electronic banking services.[16] Bashar Malkawi and Bashayer Almajed, in the Queen Mary Journal of Intellectual Property, analyze the treatment of intellectual property in the bankruptcy laws of GCC states, but that study does not directly link banking industry characteristics or compare Indonesia and the United States in the context of bank trademark protection in the digital era.[17]

Based on these limitations in prior research, the novelty of this study lies in its comparative approach to Indonesia, the United States, and Oman, which represent three different legal traditions, in order to specifically examine trademark protection in the banking industry in the digital era. This study is explicitly designed to address two main research questions: first, how the regulation and law enforcement mechanisms concerning trademarks in the banking industry are structured in Indonesia, the United States, and Oman, and the extent to which differences in legal tradition in the three countries affect the effectiveness of bank trademark protection amid technological development; and second, what model of bank trademark protection can be formulated through a comparison of the legal systems of Indonesia, the United States, and Oman so that it is more adaptive to technology-based trademark infringement while strengthening customer trust and protection in banking. The aim of the study is to comprehensively analyze how differences in legal structure, legal substance, and legal culture in Indonesia, the United States, and

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14 Lailatul Farochah, Abdul Rokhim, and Ahmad Syaifudin, "Intellectual Property Rights as Fiduciary Collateral in Indonesian Legal Framework," *Academia Open* 11, no. 1 (January 2026): 6–15, https://doi.org/10.21070/acopen.11.2026.13164.

15 Ryuichiro Izumi, Antonis Kotidis, and Paul E. Soto, "Trademarks in Banking," *Finance and Economics Discussion Series*, no. 2024–044 (June 2024): 1–43, https://doi.org/10.17016/feds.2024.044.

16 Matteo Solinas, "Apples and Oranges: Drawing the Intellectual Property Boundaries of (Digital) Cash," *SSRN Electronic Journal*, 2026, 1–9, https://doi.org/10.2139/ssrn.6714778.

17 Bashar Malkawi and Bashayer Almajed, "Treatment of Intellectual Property in the Bankruptcy Legal Framework of the GCC States," *Queen Mary Journal of Intellectual Property* 14, no. 1 (March 2024): 87–100, https://doi.org/10.4337/qmjip.2024.01.05.

Oman shape the configuration of regulation and enforcement of bank trademark protection, and to formulate a bank trademark protection model that is more responsive to threats of infringement in digital and cross-jurisdictional spaces. The findings are expected to make a real contribution to the renewal of trademark law policy in Indonesia by offering strategies for harmonization and institutional strengthening that not only improve the effectiveness of bank trademark protection, but also maintain a balance between the interests of trademark owners, consumer protection, and financial system stability.

This study is normative legal research using statutory and comparative approaches. The research focuses on a comparative analysis of the legal systems governing trademark protection in the banking industry in Indonesia, the United States, and Oman to assess how differences among civil law, common law, and mixed systems that integrate civil law, Sharia principles, and GCC regional rules affect the regulation, protection, and enforcement of bank trademarks in each country. The statutory approach is used to examine the positive legal norms contained in legislation, including Law No. 20 of 2016 on Trademarks and Geographical Indications, banking and consumer protection regulations in Indonesia, the Lanham Act and federal banking regulations in the United States, and the GCC Trademark Law together with Oman's national provisions governing trademarks and financial institution supervision. The comparative approach is used to identify similarities and differences among the three legal systems, as well as to evaluate the effectiveness of bank trademark protection in responding to the digitalization of banking services and cross-border financial services trade.

Primary legal materials in this study include national legislation, international agreements such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Madrid Protocol, as well as court decisions and law enforcement practices relevant to trademark disputes in the banking sector in Indonesia, the United States, and Oman. Secondary legal materials include legal books, scholarly journal articles, prior research findings, and reports from international institutions related to trademark protection, the banking industry, and cybercrime in the financial services sector. Tertiary legal materials such as legal dictionaries, legal encyclopedias, and reliable online sources are used to clarify the legal terms and context employed. The legal materials were collected through library research using documentation methods, namely gathering, classifying, and organizing various legal sources according to the research focus. All legal materials were analyzed qualitatively using a descriptive-comparative technique based on Lawrence M. Friedman's framework of legal structure, legal substance, and legal culture, to assess the effectiveness of bank trademark protection and enforcement in the three countries and to formulate recommendations for strengthening Indonesia's bank trademark protection system so that it is more adaptive to technological developments and global challenges.

Legal Protection and Enforcement of Banking Trademarks in Indonesia, the United States, and Oman

Trademark protection in the international legal framework is rooted in multilateral agreements such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) under the WTO, which establishes minimum standards regarding the subject matter of protection, exclusive rights, and enforcement obligations for member states.[18] Article 15(1) of TRIPS affirms that any sign, or combination of signs, capable of distinguishing the goods or services of one enterprise from those of another must be eligible for trademark registration, which in the banking context includes a bank's name and logo as identifiers of financial services. Article 16 of TRIPS grants the owner of a registered trademark the exclusive right to prevent others from using identical or similar signs that are likely to cause consumer confusion, a provision that is highly relevant when cybercriminals use bank names and attributes to commit digital fraud. TRIPS also requires member states to provide effective enforcement procedures, including civil remedies, criminal measures, and border enforcement,[19] while the Madrid Protocol facilitates international registration that enables banks to protect their trademarks across multiple jurisdictions more efficiently.[20] In the context of the global economy and the digitalization of financial services, these provisions face challenges from cross-border infringements such as cybersquatting on bank domains, phishing that

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[18] Khorsed Zaman, "The Waiver of Certain Intellectual Property Rights Provisions of the TRIPS for the Prevention, Containment and Treatment of COVID-19: A Review of the Proposal under WTO Jurisprudence," *European Journal of Risk Regulation* 13, no. 2 (June 2022): 295–310, https://doi.org/10.1017/err.2021.60.

[19] Lymmy Ogbidi and Benneth Oteh, "Advances in Hybrid Machine Learning and Physics-Based Models for Enhanced Reservoir Simulation," *International Journal of Scientific Research in Computer Science, Engineering and Information Technology* 10, no. 6 (December 2024): 2533–43, https://doi.org/10.32628/IJSRCSEIT.

[20] Patrícia Maria Da Silva Barbosa and Débora Cristina De Andrade Vicente, "The Madrid Protocol and the Registrability Assessment of Certification Trademarks in Brazil: Current Challenges," *GRUR International* 74, no. 7 (August 2025): 628–35, https://doi.org/10.1093/grurint/ikaf069.

imitates official websites, and the falsification of banking applications, thereby requiring national legal systems to respond more effectively to technology-based crimes.

The international legal framework serves as guidance for states in developing domestic legal systems aligned with global principles, but its implementation is highly dependent on each country's legal tradition. Civil law countries such as Indonesia tend to emphasize certainty through codification, formal registration procedures, and the determination of rights based on the first-to-file principle, whereas common law countries such as the United States rely more heavily on precedent and judicial doctrines such as distinctiveness, likelihood of confusion, and the protection of goodwill through unfair competition claims.[21] Mixed legal systems such as Oman face the challenge of integrating civil law elements, Sharia principles, and regional commitments under the GCC Trademark Law, making considerations of morality, public interest, and conformity with Islamic values important in assessing the use of trademarks, including bank trademarks.[22] In this context, trademark protection is not only a matter of legal ownership over a sign, but also of the reputation of financial institutions and customer trust, so any misuse of a bank trademark in digital space may disrupt financial stability and cause widespread harm to consumers. Accordingly, the effectiveness of bank trademark protection in the digital era depends on how a state's legal structure, legal substance, and legal culture translate TRIPS principles and other international instruments into national regulation and enforcement[23]

Indonesia fundamentally adheres to a civil law tradition with a strong emphasis on codification, so written law is the primary source regulating various matters, including trademark protection and the banking sector. The legal basis for trademark protection in Indonesia is comprehensively regulated in Law No. 20 of 2016 on Trademarks and Geographical Indications, which defines a trademark in Article 1(1) as a sign capable of being represented graphically to distinguish goods and/or services, and in Article 3 states that trademark rights

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[21] Nooraini Dyah Rahmawati, "Justice in Trademark Protection for MSMEs: A Legal Evaluation of Barriers and Solutions in Intellectual Property Registration," *Fortiori Law Journal* 5, no. 01 (June 2025): 79–102, https://doi.org/10.47200/flj.v5i01.3059.

[22] Isaac Kundakogo Kunko, "Unfair Competition Law in Ghana: Unravelling the Scope, Evolving Jurisprudence, Challenges and Future Directions," *Journal of Intellectual Property Law and Practice* 19, no. 12 (December 2024): 853–59, https://doi.org/10.1093/jiplp/jpae073.

[23] Nadia Naim, "Critical Examination of the Intellectual Property Regimes in the Gulf-Co-Operation Council (GCC) States," *Indonesian Journal of International Law* 18, no. 4 (July 2021): 523–42, https://doi.org/10.17304/ijil.vol18.4.822.

arise only after registration with the Directorate General of Intellectual Property. At the same time, banking business activities and the identity of banking institutions are regulated, among others, by POJK No. 6/POJK.03/2016 on Business Activities and Office Networks of Commercial Banks, which requires the clarity of a bank's name and licensing status in every activity and communication with the public. The combination of these two regimes positions a bank's name and logo as financial service marks that must be registered with DJKI to obtain exclusive rights while also remaining subject to the supervision of the OJK and Bank Indonesia.[24] However, in practice, the misuse of bank names and logos in digital space is not always addressed through trademark protection instruments, but more often through consumer protection and cybercrime frameworks. The gap between the formalistic normative design and fragmented enforcement practice shows that the Indonesian legal system has not fully positioned bank trademarks as instruments of public trust requiring integrated cross-regime protection, rather than merely as administrative trade marks.

The institutional framework for bank trademark protection in Indonesia involves DJKI, OJK, Bank Indonesia, and law enforcement authorities. DJKI performs administrative tasks as reflected in Articles 4 to 24 of the Trademark Law, ranging from filing, examination, and publication to the recording of refusals and deletions of trademarks, but this authority remains limited to registration and does not directly extend to the prudential dimension of the banking sector. OJK, under Law No. 21 of 2011 and POJK No. 1/POJK.07/2013 on Consumer Protection in the Financial Services Sector, focuses on customer protection and fair market conduct, while Bank Indonesia plays a role in maintaining payment system stability and the clarity of banking institutions' identities.[25] The absence of explicit norms that synchronize the mandates of DJKI, OJK, and Bank Indonesia within a single framework of bank trademark protection causes each institution to operate within its own "corridor of authority," so digital trademark infringements are often addressed only as consumer protection issues or illegal content without structural follow-up on the trademark side. This situation weakens both the preventive function and the deterrent effect, because offenders can continue exploiting coordination

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[24] Sriono et al., "Legal Protection for Digital Bank Customers In Indonesia: Analysis of Data Confidentiality Regulations and Bank Responsibility."

[25] Rahmatina Awaliah Kasri et al., "Digital Payment and Banking Stability in Emerging Economy with Dual Banking System," *Heliyon* 8, no. 11 (November 2022): 1–12, https://doi.org/10.1016/j.heliyon.2022.e11198.

gaps among institutions and repeat the same modus operandi through different platforms without consistent consequences.

Indonesia's trademark enforcement system provides three normative avenues for protecting bank trademarks: administrative, civil, and criminal. The administrative route through DJKI, via opposition, deletion, and cancellation as regulated in Articles 16, 20, 72, and 74 of the Trademark Law, is designed primarily for registration disputes and is therefore less responsive when bank trademark infringement occurs through fake websites or applications that require immediate cessation.[26] The civil route under Article 83 of the Trademark Law provides a trademark infringement claim based on similarity in essence, but proving likelihood of confusion in digital space is not easily translated into the classical evidentiary structure of the Commercial Court.[27] he criminal route under Articles 100 to 102 of the Trademark Law should in principle be able to capture perpetrators of bank trademark counterfeiting, yet it is rarely used because banks generally avoid escalating disputes into the criminal sphere in order to preserve reputation and the stability of customer relations.[28] As a result, although Indonesia textually provides a broad spectrum of enforcement instruments, functionally the system tends to produce a reactive, partial response and remains weak in generating a deterrent effect against digital bank trademark infringement.

Indonesia faces serious challenges in protecting bank trademarks in the digital era because infringement tactics evolve far faster than the legal system's capacity to adapt. Cybersquatting that uses domain names similar to official banks, phishing websites that imitate internet banking interfaces, and fake mobile applications using bank logos show that bank trademark infringement is no longer limited to physical imitation of products, but has shifted toward the deception of financial institutional identity in cyberspace.[29] Normatively,

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26 Siti Fatimah Maddusila, "Regulatory Concept of Trademark Protection against Cybersquatting in Indonesia," *Lex Journal: Kajian Hukum Dan Keadilan* 9, no. 1 (February 2025): 69–79, https://doi.org/10.25139/lex.v9i1.9775.

27 Padri Achyarsyah et al., "The Role of Digital Evidence in Criminal Law Enforcement: Challenges of Authentication and Admissibility in Court," *Research Horizon* 5, no. 6 (December 2025): 2987–98, https://doi.org/10.54518/rh.5.6.2025.950.

28 Rita Remeikienė and Ligita Gaspareniene, "Effects on the Soundness of Financial-Banking Institutions and on the Business Development," in *Economic and Financial Crime, Sustainability and Good Governance*, ed. Monica Violeta Achim (Cham: Springer, 2023), 235–69, https://doi.org/10.1007/978-3-031-34082-6_10.

29 Ammar Almomani et al., "Phishing Website Detection With Semantic Features Based on Machine Learning Classifiers," *International Journal on Semantic Web and Information Systems* 18, no. 1 (February 2022): 1–24, https://doi.org/10.4018/IJSWIS.297032.

such conduct may be classified as trademark infringement under Article 83 of the Trademark Law when the actor uses a mark that has substantial similarity to a registered bank mark for similar services, and it may also fall under the provisions on fraud and unlawful access in the Electronic Information and Transactions Law. However, the absence of a special fast-track mechanism for handling digital trademark disputes in the banking sector means that banks must still rely on administrative and civil procedures that were designed for conventional disputes. Coordination among DJKI, OJK, Bank Indonesia, the Ministry of Communication and Information Technology, and PANDI as the manager of the “id” domain has not yet been bound by a joint legal protocol, so each institution tends to operate within its own authority without an integrated response framework to threats against bank trademarks in digital space.

The “GOTO” trademark dispute emerged when PT Terbit Financial Technology sued GoTo on the ground that its name was similar to the “GOTO” mark that PT Terbit had registered earlier for financial and technology service classes.[30] This case shows how vulnerable large financial service entities are under a first-to-file system when another party has already secured a trademark certificate administratively. GoTo was forced to face claims for trillions of rupiah in damages and the risk of trademark cancellation in the midst of efforts to build a trusted digital payment ecosystem. This legal conflict demonstrates that public recognition and large-scale business operations do not automatically confer legal protection without prior formal registration. Accordingly, the dispute serves as a warning for the banking and fintech industries regarding the urgency of trademark risk mitigation to preserve service continuity and customer trust.[31]

The United States offers a different configuration by placing the Lanham Act at the center of trademark protection, combined with sectoral banking regulation and consumer protection. Section 45 of the Lanham Act, 15 U.S.C. § 1127, defines a trademark as any word, name, symbol, or combination thereof used or intended to be used in commerce to identify goods or services and

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[30] Andrew Wijaya, “Analisis Yuridis Terhadap Persamaan Pada Pokoknya Dalam Sengketa Merek Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis,” *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 6 (September 2025): 5081–94, https://doi.org/10.38035/jihhp.v5i6.5213.

[31] Nanakarani Priatma, “First to File versus First to Use: Kajian Perlindungan Merek Dalam Sengketa GoTo Gojek Tokopedia Dan PT Terbit.,” *Konsensus : Jurnal Ilmu Pertahanan, Hukum Dan Ilmu Komunikasi* 3, no. 2 (April 2026): 31–38, https://doi.org/10.62383/konsensus.v3i2.1633.

indicate their source, a definition that clearly encompasses a bank's name and logo as financial service identities. In addition, the use-based system and the intent-to-use application allow banks to secure trademark rights based on actual use or clearly stated intent in an application, enabling trademark strategy to align with product expansion and digital channels.[32] At the sectoral level, agencies such as the Office of the Comptroller of the Currency and the Consumer Financial Protection Bureau issue rules prohibiting the use of misleading names, symbols, or representations that could deceive consumers about whether an institution is a bank supervised or insured by regulators, so misuse of a bank name may be pursued not only as trademark infringement but also as a misrepresentation to financial consumers.[33] Trademark enforcement in the United States combines administrative and civil routes that are effective for bank trademark protection, with strong reliance on judicial precedent. Inter partes procedures before the Trademark Trial and Appeal Board allow bank trademark owners to file oppositions against applications deemed to imitate or confuse, and cancellation petitions against registrations considered inconsistent with the Lanham Act, generally at lower cost and with greater efficiency than federal litigation.[34]

Sections 32 and 43 of the Lanham Act, 15 U.S.C. §§ 1114 and 1125, provide the basis for trademark infringement and unfair competition claims, allowing trademark owners to seek damages, disgorgement of profits, and injunctive relief to stop unauthorized use of bank names and logos.[35] The availability of preliminary injunctions enables courts to issue temporary restraint orders relatively quickly when bank trademark infringement creates immediate risks to customers or institutional reputation.[36] Criminal sanctions for trademark counterfeiting are also available under 18 U.S.C. § 2320, although bank trademark disputes are more commonly pursued through civil

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32 Daniel Redshaw, "Digital Land Rent Trademark Scarcity, AI Production, and the Monetisation of Intangible Signifiers," 2026, https://doi.org/10.2139/ssrn.6583659.

33 Dan Awrey, "Banking, Technology, and Instability," *SSRN Electronic Journal*, 2026, 1–65, https://doi.org/10.2139/ssrn.6276878.

34 Bruce A McDonald, "New USPTO Rules Introduce Significant Changes in US Trade Mark Practice," *Journal of Intellectual Property Law & Practice* 17, no. 2 (March 2022): 83–91, https://doi.org/10.1093/jiplp/jpab166.

35 Dustin Marlan, "The Trademark Bargain: Registration As Disclosure," *SSRN Electronic Journal*, 2026, 101–68, https://doi.org/10.2139/ssrn.6521798.

36 Pamela Samuelson and Mark P. Gergen, "The Disgorgement Remedy of US Trademark Law," in *Research Handbook on the Law and Economics of Trademark Law* (Cheltenham: Edward Elgar Publishing, 2023), 387–402, https://doi.org/10.4337/9781786430472.00027.

channels because the emphasis is on compensation and forward-looking prevention rather than punishment alon.[37]

In the digital sphere, the United States has developed specific tools to protect trademarks from misuse in domains and online platforms, which are highly relevant for banks. The Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), gives trademark owners, including banks, a legal basis to sue parties who in bad faith register or use domain names identical or confusingly similar to registered marks for profit. In addition, the Uniform Domain-Name Dispute-Resolution Policy, administered by ICANN, provides a quasi-adjudicative avenue outside court that banks often use to recover domain names misappropriating their marks across borders through relatively fast procedures.[38] Disputes involving the use of bank trademarks as keywords in search engine advertising have also produced important case law assessing whether such use creates likelihood of confusion or merely constitutes permissible comparative advertising.[39] Major U.S. banks use a combination of the ACPA, the Lanham Act, UDRP, and internal social media platform policies to target fake accounts and scam websites that exploit their identities, so bank trademark protection in digital space does not depend on a single legal instrument. This pattern shows that the U.S. legal system has moved beyond conventional statutory text by building a specialized and adaptive enforcement toolkit suited to the character of trademark infringement in the digital banking ecosystem.

The case of Citigroup Inc. v. City Holding Co., 171 F. Supp. 2d 333 (S.D.N.Y. 2001), shows how a United States federal court applied the concept of likelihood of confusion in the context of banking trademarks. In that case, Citigroup sued City Holding Company over the use of the element "CITY" in financial services, arguing that such use created confusion with the globally recognized "CITI" mark and had the potential to dilute the strength of the plaintiff's bank trademark. The court applied the Polaroid factors comprehensively, assessing, among other things, the strength of the "CITI" mark, the similarity of the marks, the proximity of the markets, the defendant's

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[37] Samuel L. Bray, "Preliminary Injunctions on a Blank Slate," 2025, https://doi.org/10.2139/ssrn.5165127.

[38] Harman Preet Singh, "Domain Name Disputes and Their Resolution under UDRP Route: A Review," *Archives of Business Research* 6, no. 12 (December 2018): 147–56, https://doi.org/10.14738/abr.612.5786.

[39] Irene Calboli and Jane C. Ginsburg, eds., *The Cambridge Handbook of International and Comparative Trademark Law* (Cambridge: Cambridge University Press, 2020), https://doi.org/10.1017/9781108399456.

intent, and evidence of actual consumer confusion.[40] Although there was phonetic similarity, the court ultimately concluded that there was no significant likelihood of confusion because of the geographic differences in the markets and the characteristics of the customer segments served by each institution. The decision shows that in the common law tradition, trademark infringement analysis for banks is not formalistic, but instead takes into account economic context and consumer behavior in depth, thereby providing more substantive legal certainty.

Oman displays a distinctive trademark protection pattern by combining civil law traditions, Sharia principles, and GCC regional commitments as its normative foundation, including for bank trademarks. Trademark protection in Oman is governed by Royal Decree No. 38/2000 on the Law of Trade Marks, Descriptions and Secrets and Protection from Unfair Competition. This regime was later replaced and aligned with WTO-TRIPS commitments through the Industrial Property Law and the implementation of the GCC Trademark Law under Royal Decree No. 33/2017.[41]. The system follows a first-to-file character, under which trademark rights are acquired through registration with the Ministry of Commerce, Industry and Investment Promotion (MOCIIP), while the GCC Trademark Law introduces regional standards that facilitate harmonized trademark protection among member states, including for banking and Islamic banking services. Outside the intellectual property regime, Oman's Banking Law, as interpreted by the Central Bank of Oman (CBO), prohibits any non-licensed entity from using the words "bank" or "banking" in its name and identity, and requires CBO approval for changes to the name, logo, and brand elements of licensed financial institutions..[42] The integration of MOCIIP's authority over trademark registration and the CBO's authority over licensing and supervision of financial institution names places bank trademarks not merely as commercial assets, but also as instruments of trust with ethical and religious significance, although explicit regulation on digital bank

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[40] William Calathes and Matthew G. Yeager, "Sweetheart Settlements, the Financial Crisis, and Impunity: A Case Study of SEC v. Citigroup Global Markets, Inc. on JSTOR," *Social Justice* 42, no. 1 (2015): 53–69.

[41] I Gede Agus Kurniawan et al., "Deconstructing Trademark Authenticity: A Comparative Study of Legal Interpretations in Indonesia, Oman, and The Philippines," *Diponegoro Law Review* 10, no. 2 (2025): 310–22, https://doi.org/10.14710/dilrev.10.2.2025.310-322.

[42] Saeed Al-Muharrami, "Evolving Banking Market Structure in Oman: Should CBO Approve the Mergers?," *International Journal of Islamic and Middle Eastern Finance and Management* 12, no. 2 (April 2019): 254–64, https://doi.org/10.1108/IMEFM-06-2016-0086.

trademark protection has not developed as quickly as fintech expansion and the Vision 2040 agenda.

Trademark enforcement in Oman provides administrative, civil, and criminal avenues, but their effectiveness in digital banking remains limited. On the administrative side, MOCIIP accepts oppositions to trademark applications within a specified period after publication and may refuse or invalidate registrations deemed misleading to the public or contrary to morality and national interest.[43] The civil route through the Commercial Court allows bank trademark owners to sue for infringement and seek damages or injunctive relief, but the number of judges with specialized expertise in intellectual property and financial services remains limited, so proceedings tend to move slowly,[44] Criminal provisions in Articles 37–40 of the Royal Decree impose penalties for counterfeiting and unauthorized use of trademarks, yet in practice criminal enforcement against trademark violations, including in banking, is rarely used because of a cultural preference for settlement through consultation and commercial mediation.[45] In the digital sphere, the e-Commerce Law does not regulate trademark protection in detail, so domain name and fake website disputes involving bank names are more often resolved through the international UDRP mechanism outside Oman's domestic legal system. This configuration shows that, although the basic norms are aligned with international standards, Oman still lacks adequate procedural and institutional tools to respond quickly and effectively to bank trademark infringements in cyberspace.[46]

The use of the name and trademark elements of "Bank Muscat" by unofficial entities in several GCC countries and on digital platforms concretely illustrates the limitations of the Omani system in protecting bank trademarks in the digital era. Bank Muscat, as the largest bank in Oman, found that its

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[43] Al Zuheimi, "Development of New Technologies and Intellectual Property Regulations in the Sultanate of Oman."

[44] Bashayer AlMajed and Bashar Malkawi, "Moral Rights in Copyright Laws of GCC Countries," *The Journal of World Intellectual Property* 58, no. 1 (January 2026), https://doi.org/10.1111/jwip.70013.

[45] Souad Ezzerouali, "Establishing Specialized Courts for Investment Disputes in the Sultanate of Oman: A Bet to Realize Oman's Vision 2040 in Attracting Investments," *Pakistan Journal of Life and Social Sciences (PJLSS)* 22, no. 2 (January 2024): 11777–88, https://doi.org/10.57239/PJLSS-2024-22.2.00887.

[46] Rakesh Belwal, Rahima Al Shibli, and Shweta Belwal, "Consumer Protection and Electronic Commerce in the Sultanate of Oman," *Journal of Information, Communication and Ethics in Society* 19, no. 1 (March 2021): 38–60, https://doi.org/10.1108/JICES-09-2019-0110/FULL/XML.

name and variations of its mark were used in a number of unaffiliated domains, including combinations of "bankmuscat" with different extensions and spellings, creating a risk of misleading customers and financial service users.[47] The absence of a domestic instrument equivalent to the ACPA or a fast national mechanism for domain disputes means that Bank Muscat has had to rely on the international UDRP under ICANN to recover those domains.[48] This situation contrasts with the United States, where bank trademark owners can combine the ACPA, the Lanham Act, and UDRP, giving them more enforcement options both domestically and internationally. For Oman, full dependence on external mechanisms reveals a structural weakness in the design of bank trademark protection. The case confirms that strengthening domestic tools to address digital bank trademark infringement is an urgent need so that banks do not always depend on international forums that are more costly and not always sensitive to local context.

TABLE 1. Comparative System of Legal Protection for Banking Trademarks in Indonesia, the United States, and Oman

Dimension	Indonesia	United States	Oman
Legal Basis	Law No. 20 of 2016 on Trademarks and Geographical Indications; POJK No. 6/POJK.03/2016 on Commercial Bank Business Activities; Law No. 11 of 2008 as amended by Law No. 19 of 2016 on Electronic Information and Transactions.	Lanham Act, 15 U.S.C. § 1051 et seq.; Trademark Dilution Revision Act (2006); Anti-Cybersquatting Consumer Protection Act (1999). law.	Royal Decree No. 38/2000 on Trade Marks; Royal Decree No. 149/2008 (amendment and TRIPS alignment); Royal Decree No. 69/2008 on e-commerce.

47 Ricky Gigih Prayoga, "Digital Financial Evolution in Oman: Central Bank Roadmap and Its Implications for the Financial Sector," *SUKUK: International Journal of Banking, Finance, Management and Business* 4, no. II (July 2025): 32–47.

48 Derrick L. Cogburn, Theodore Andrew Ochieng, and Haiman M. Wong, "Towards an Understanding of Global 'Private Ordering' in ICANN: Text Mining 23 Years of Uniform Domain-Name Dispute-Resolution Policy (UDRP) Decisions," *Journal of Cyber Policy* 8, no. 2 (May 2023): 186–217, https://doi.org/10.1080/23738871.2023.2286271.

Dimension	Indonesia	United States	Oman
Registration System	First-to-file system; trademark rights arise from registration, not use.	Dual system: use-based trademark rights plus intent-to-use applications.	First-to-file system within an Arab civil-law tradition.
Enforcement Mechanism	Administrative: opposition, deletion, and cancellation at DJKI; Civil: infringement lawsuit before the Commercial Court, using the likelihood of confusion standard; Criminal: Articles 100–102 of the 2016 Trademark Law, with a maximum penalty of five years' imprisonment, but rarely applied in the banking sector.	Administrative: inter partes proceedings before the TTAB; Civil: federal district court, with rapid preliminary injunctions and damages that may include treble damages in appropriate cases; Criminal: limited to counterfeiting under 18 U.S.C. § 2320.	Administrative: opposition procedure before MOCIIP within 60 days; Civil: Commercial Court, with judges who are not necessarily specialized in intellectual property; Criminal: Articles 37–40 of Royal Decree No. 38/2000, rarely applied in practice.
Effectiveness	Moderate, in transition.	High, and the most adaptive.	Low, though developing.

Source: Various sources, edited and analyzed by Authors

The comparison among Indonesia, the United States, and Oman shows that the effectiveness of bank trademark protection in the digital era is determined not only by the completeness of legal norms, but also by legal tradition, institutional design, and the culture of dispute resolution. Indonesia, with its civil law tradition, has adopted trademark protection standards through the Trademark Law and regulates the banking sector through the OJK Law, the Banking Law, and various POJK regulations, but fragmented authority and the absence of a digital fast-track mechanism make responses to bank trademark infringements relatively slow and sectoral. The United States, with its common law tradition, combines the Lanham Act, FTDA, TDRA, ACPA, UDRP, and sector-specific banking regulations, thereby creating a bank trademark protection ecosystem that is relatively flexible and adaptive, although costly and potentially unequal in access between large and small banks. Oman, with its mixed legal system, seeks to align trademark law with TRIPS, GCC rules, and

Sharia values, but institutional capacity and the absence of a specific domestic instrument for digital disputes make Omani banks more vulnerable to bank trademark infringement in cyberspace. Through Lawrence M. Friedman's framework, the differences in legal structure, legal substance, and legal culture in the three countries explain the varying effectiveness of bank trademark protection. Structure and substance without a strong enforcement culture produce weak protection, while a strong litigation culture without equal access mechanisms may generate new forms of injustice. This condition provides a basis for formulating a more balanced model of bank trademark protection for Indonesia, drawing lessons from the doctrinal flexibility and digital enforcement tools of the United States as well as the integration of moral values and legal regionalism in Oman.

A Comparative Model of Bank Trademark Protection in the Legal Systems of Indonesia, the United States, and Oman

The bank trademark protection model rests on the idea that a bank trademark is an infrastructure of trust located at the intersection of intellectual property, banking regulation, and digital law.[49] In Lawrence M. Friedman's legal system theory, the effectiveness of law depends on legal substance, legal structure, and legal culture. Therefore, the model developed here cannot be limited to revising the Trademark Law alone; it must also reorganize the relationships among authorities and reshape how actors within the legal system perceive bank trademark infringemen.[50] Effective institutions and norms are those capable of performing the same function in different contexts, namely, maintaining public trust and financial-service stability in the digital era. Accordingly, the proposed model of bank trademark protection must perform a dual function: it must enforce infringements effectively while simultaneously strengthening customers' sense of security regarding bank identity

[49] Henny Saida Flora, Mac Thi Hoai Thuong, and Ratna Deliana Erawati, "The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (April 4, 2023): 113–25, https://doi.org/10.29303/ius.v11i1.1169.

[50] Hurriah Ali Hasan, Abd Rahim Razaq, and Hafizah Besar Sa'aid, "The Challenges of Literacy, Inclusion, and Public Trust in the Digital Islamic Banking Ecosystem: An Urban Context Study in Indonesia," *Journal of Islamic Economics Lariba* 12, no. 1 (December 2025): 199–224, https://doi.org/10.20885/jielariba.vol12.iss1.art7.

The first foundation of this model is strengthening legal substance through explicit recognition that bank trademarks and financial-service marks are categories of marks with a high public-interest dimension. At the normative level, this requires a lex specialis or at least a dedicated chapter in the implementing regulations of the Trademark Law defining "bank trademarks" and "financial-service trademarks" as signs that not only indicate the origin of services but also embody the fiduciary relationship between banks and customers.[51] The prudential banking principle and consumer protection principle require that any misleading use of a bank's name, logo, or visual identity be treated as a violation of prudential duties and of consumers' right to accurate information.[52] Trademark goodwill theory places a bank's reputation within the scope of legally protected assets even before direct confusion is proven, as reflected in the dilution doctrine in common law systems. By combining these perspectives, Indonesian trademark substance can move from a generic trademark doctrine to a bank-specific doctrine that recognizes social and systemic functions.

This model also requires redefining the scope of bank trademark infringement so that it matches the character of digital-space violations. Current infringement norms, which focus on the use of identical or similar signs for similar goods and/or services, should be expanded to expressly include domain names, applications, digital interfaces, and social-media accounts as forms of trademark use in financial commerce.[53] Trademark protection is not limited to physical media; it covers every representation that creates a commercial impression in the consumer's mind, regardless of the medium used. The United States experience with the ACPA and the UDRP shows that online bank trademark infringement is often more dangerous than physical imitation because it combines identity deception with unlawful access to data and funds. By explicitly integrating the Trademark Law and the Electronic Information and Transactions Law through normative interpretation, Indonesian law can confirm that phishing and cybersquatting using a bank's name are trademark

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[51] Sulistyandari Sulistyandari et al., "Implementation of Prudential Banking Principles: State Responsibility in Combating Banking Crimes in Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 7, no. 2 (November 2024): 341–59, https://doi.org/10.24090/volksgeist.v7i2.12132.

[52] Jonathan Griffiths, "'Property in What?' – Goodwill, Unregistered Marks and the Law of Passing Off," *SSRN Electronic Journal*, 2025, 1–25, https://doi.org/10.2139/ssrn.5428158.

[53] Alpana Roy and Althaf Marsoof, "Removing the Human from Trademark Law," *IIC - International Review of Intellectual Property and Competition Law* 55, no. 5 (May 2024): 727–61, https://doi.org/10.1007/s40319-024-01466-4.

infringements that also constitute electronic crimes, rather than merely standalone cyber offense.

The construction of this legal substance should be complemented by a more assertive use of good faith and the prohibition of abuse of rights in the registration of marks connected to the banking sector. In Indonesia's civil law tradition, good faith has often been placed within general interpretation, but in the registration of bank-related marks it can be operationalized as a basis for rejecting or canceling applications that seek merely to lock up certain words without a genuine business intention. Oman's system, which combines Sharia-based morality and public interest, shows that misleading trademark registrations that threaten trust may be refused not only because of similarity of signs, but also because they conflict with honesty and amanah in transactions. By making good faith a substantive filter in the registration of marks containing banking terms, Indonesia can reduce the risk that a first filer with no real banking activity defeats a long-established bank.

From the structural perspective, an adaptive bank trademark protection model requires formalized coordination rather than ad hoc cooperation. The weakness of coordination among DJKI, OJK, BI, Kominfo, and domain managers such as PANDI leads to fragmented enforcemen.[54] The proposed solution is a joint protection scheme that establishes a clear workflow whenever there is suspected misuse of a bank trademark in digital space. This scheme should be regulated by a joint regulation that requires any report by a bank concerning a fake domain, application, or account using the bank's name and logo to trigger simultaneous responses from DJKI, OJK/BI, Kominfo, and PANDI within a specified time frame. In this way, enforcement no longer depends on the discretion of each institution, but on a clear legal obligation to act in coordination.

Experience from specialized forums such as the TTAB in the United States shows that trademark-specific bodies tend to produce more consistent decisions and better respond to technical complexity. By establishing a dedicated desk within DJKI for financial-service trademarks and a focal point within OJK to connect bank identity violations with reputational risk and consumer protection, Indonesia can avoid treating bank trademark infringements as ordinary cases without considering their systemic impact.[55] The principle of

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[54] Flora, Thuong, and Erawati, "The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System."

[55] Michael Da Silva, "Subsidiarity and the Allocation of Governmental Powers," *Canadian Journal of Law & Jurisprudence* 36, no. 1 (February 2023): 83–111, https://doi.org/10.1017/cjlj.2022.26.

coordination and subsidiarity suggests that the institution closest to the risk should play the main role in assessing the seriousness of the infringement, while DJKI ensures that this assessment is reflected in trademark registration and enforcement policy.

On the procedural side, the proposed model places a fast-track mechanism at its center to bridge the gap between the speed of digital infringement and the slowness of conventional legal processes. The principles of efficiency and proportionality justify the introduction of a fast-track opposition route limited to applications in financial-service classes or marks using specific banking terms. By shortening examination and opposition deadlines for bank-related marks, while maintaining a strict evidentiary standard regarding public confusion, Indonesia can reduce the space for opportunistic parties to exploit bureaucratic delay and lock up strategic names for the banking industry.

In addition to fast-track procedures at the registration stage, the development of a national or regional UDRP-style online dispute resolution mechanism is an important procedural component of the model. The principle of access to justice requires a quick and affordable path for banks victimized by cybersquatting and domain misuse.[56] By creating a panel of arbitrators who understand intellectual property and banking, and integrating their decisions with the authority of Kominfo and PANDI, the legal system can address bank trademark infringements in digital space without always relying on lengthy court litigation. ODR decisions may be enforceable against domains or accounts, while still allowing judicial review for parties who feel aggrieved, thereby preserving the balance between efficiency and fair trial rights.

The legal culture dimension requires a shift in how bank trademarks are understood: they are symbols of trust, and violations of them should be treated as breaches of public trust by all actors in the system, from regulators to banks themselves.[57] The theory of trust in banking confirms that the bank–customer relationship is fiduciary in nature, so any act that undermines trust in bank identity directly affects financial-system resilience and institutional legitimacy.[58]

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[56] Martha Minow, "Access to Justice," *American Journal of Law and Equality* 2 (August 2022): 293–311, https://doi.org/10.1162/ajle_a_00039.

[57] Rosyidi Hamzah et al., "Imperfect Information of Bankers Clause in Credit Agreements in Banking Institutions: Further Legal Impact," *Lex Scientia Law Review* 7, no. 2 (November 2023): 529–68, https://doi.org/10.15294/lesrev.v7i2.76529.

[58] Syafwendi Syafril, "The Nexus between Sharia Principles and Banking: Why Islamic Values Matter in Islamic Banking?," *Bukhori: Kajian Ekonomi Dan Keuangan Islam* 4, no. 2 (January 2025): 95–107, https://doi.org/10.35912/bukhori.v4i2.3486.

In the Indonesian context, where Islamic banking is also developing, the principles of amanah and the prohibition of ghurur in Islamic economic law can serve as a strong normative basis for prohibiting and sanctioning bank trademark misuse. By articulating the relationship between bank trademark infringement and moral violation, legal culture can be shifted from tolerating infringements that are "only digital" toward a zero-tolerance stance against the misuse of financial institutional identity.

Cultural change must also reach banks themselves, which often treat digital trademark infringement as an ordinary operational risk that can be solved merely by blocking content without further legal action.[59] The proposed model encourages bank trademark management and infringement response to become part of risk assessment and governance supervised by OJK and BI. By making proactive trademark enforcement an indicator of compliance and risk-management quality, regulators can shift banks' internal incentives from a minimal approach to a strategic one. Banks that systematically fail to respond to digital trademark abuse may be assessed as having weaknesses in reputational and operational risk management, which can affect their risk profile and standing before regulators and the market.

An integrative bank trademark protection model also requires co-regulation between the state and digital platforms that constitute the infrastructure of interaction between customers and financial institutions.[60] Such co-regulation allows the state to establish minimum standards for bank trademark protection, while platforms such as marketplaces, social media, and app providers adopt them through internal policies such as official-account verification, expedited notice-and-takedown procedures for reports from financial authorities, and clear labeling of bank accounts or applications.[61] Platform involvement is crucial in the short term because many infringements stop at the level of fake accounts or misleading ads before they develop into litigation. By including these platform standards in the model, the state can

[59] Sau Wai Law, "Financial Inclusion and Virtual Bank in the Era of Digitalization: A Regulatory Case Study in Hong Kong," in *Financial Inclusion, Technology and Virtual Banking* (Singapore: Springer Nature Singapore, 2024), 25–39, https://doi.org/10.1007/978-981-97-1127-7_2.

[60] Daniel Chee King Chow, "Does Schedule A Litigation Have Any Deterrent Effect on China's Online Counterfeiters?," 2025, https://doi.org/10.2139/ssrn.5636332.

[61] Ju-Yeon Lee et al., "Platform Customer Misconduct: A Conceptual Framework for Research and Practice," *Journal of the Academy of Marketing Science* 53, no. 6 (December 2025): 1772–96, https://doi.org/10.1007/s11747-025-01111-7.

reduce the burden of formal enforcement while improving response speed to violations that may cause significant losses to customers.

The model therefore rests on four pillars: legal substance that recognizes bank trademarks as trust instruments, an institutional structure coordinated across regimes, procedures that provide fast and affordable remedies, and a legal culture that treats bank trademark infringement as a violation of public trust. The comparison with the United States shows that sophisticated doctrines and digital tools are effective only when supported by strong enforcement structures and litigation culture, while Oman demonstrates the importance of moral and regional legal values in understanding deceptive bank names and fraudulent identity use. Indonesia is therefore in a strategic position to reformulate these elements into a hybrid model of bank trademark protection. Under this configuration, bank trademark protection no longer ends with registration and certificates; it becomes an integral part of the architecture of trust and customer protection in the national banking system.

Conclusion

The differences in legal tradition and institutional design significantly affect the form of regulation, enforcement mechanisms, and the effectiveness of bank trademark protection in the digital era. The United States shows the highest level of effectiveness because it successfully integrates common law doctrines, specialized instruments such as the ACPA and UDRP, and the active role of financial sector authorities in addressing technology-based trademark infringement. Indonesia already has a relatively complete normative framework, but the effectiveness of bank trademark protection remains constrained by weak inter-agency coordination, the absence of a fast mechanism for digital disputes, and an enforcement culture that remains formalistic and reactive. Oman combines civil law principles, Sharia values, and the GCC Trademark Law framework, but bank trademark protection is still limited by institutional capacity and dependence on international mechanisms to deal with digital infringement. Based on this comparison, the bank trademark protection model formulated for Indonesia is a trust-based hybrid model grounded in strengthened legal substance for bank and financial-service marks, integrated cross-authority enforcement structures, fast-track and ODR mechanisms for digital disputes, and a legal culture that treats bank trademark infringement as a threat to customer protection and financial system stability.

This study recommends that Indonesia reform its legal framework by explicitly regulating bank trademarks and digital financial-service marks, strengthening formal coordination among DJKI, OJK, Bank Indonesia, Kominfo, and PANDI, and developing a national fast-track opposition and ODR mechanism for handling disputes involving domains, applications, and digital accounts that deceptively use bank identities. These reforms should also be accompanied by the internalization of good faith, prudential banking, consumer protection, and amanah in both regulatory design and enforcement practice, so that bank trademark protection does not stop at administrative certainty but genuinely functions to safeguard public trust. In addition, regulators should place bank trademark management and protection within reputational risk management and financial institution governance, and build a co-regulation scheme with digital platforms to accelerate detection and removal of bank trademark misuse in cyberspace. For future research, empirical studies on bank trademark enforcement in courts and administrative bodies, focused studies on bank trademarks in Islamic banks and fintech, and broader comparative research involving other jurisdictions such as the European Union or ASEAN states would be valuable. Such follow-up studies are expected to enrich a more operational, practice-based, and technology-responsive model of bank trademark protection.

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A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises

World Intellectual Property Organization

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