



LEGAL PROTECTION OF TRADEMARK HOLDERS IN THE JOLIBI TRADEMARK (Case of PT. Tatalogam Lestari)

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Abstract: The development of a business in a country. Brands have an important role as a differentiator amid goods and service activities in society. For business actors, a brand is an image and a good name for a company. Law Number 20 of 2016 concerning Marks and Geographical Indications aims to provide legal certainty for registered marks, have legal protection for registered marks, and resolve disputes related to marks. One example in the research is the case study of decision number 39/Pdt.Sus-Merek/2023.PN.Niaga.Jkt.Pst between Jollibee Foods Corporation and PT Tatalogam Lestari. This research examines issues related to the position and legal power of patented brand holders in Indonesia in accordance with the MIG Law and the form of legal protection for patented brand holders related to the lawsuit process in commercial courts. The research method used is normative juridical research with a statutory and analytical approach that uses primary legal materials. The research results show that in the case of a brand dispute between Jollibee, owned by Jollibee Foods Corporation, and Jolibi, owned by PT Tatalogam Lestari, the brand registered first (first to file) has legal force because it is registered in the Intellectual Property Database of the Ministry of Law and Human Rights. Registered trademarks are entitled to protection for ten years and can be extended if the trademark in question is still used and circulating in Indonesia, as well as the form of legal protection for trademark holders in the study of decision number 39/Pdt.Sus-Merek/2023. PN.Niaga.Jkt.Pst.

Keywords: Brand, Legal Protection, Famous Brand

I. INTRODUCTION

Economic globalization causes the broadest possible opportunity for trade in goods and services that penetrate regional boundaries, which is a sign of the beginning of the era of free trade. The products offered in the era of free trade have many

substitutes, causing the expansion of motion between each party in business competition; the expansion of the flow of transactions causes consumers to have many choices of goods that allow free competition between each product¹.

In the era of free trade, brands are a base in modern trade. It is said to be the basis because the brand can be the basis for the development of modern trade. It can be used as an emblematic of goodwill and quality standards, a means of penetrating all types of markets, and traded with guarantees to generate huge profits. The existence of the brand can make it easier for consumers to distinguish products to be purchased by consumers from other products of quality, satisfaction, pride, and other attributes attached to the brand.

Trademark is part of intellectual property rights, as a right born from the ability of human thinking and valued by the state by protecting its ownership so that not just anyone can have intellectual property rights. The creation of a trademark produces rights that are worth the economic benefits for the creator of the trademark this is because the trademark is an investment in the good name of a person / goods / services related thereto so that this is what gives rise to the obligation of the State to protect the trademark rights of a person who has been registered in a State that he undergoes.

Business competition is increasing along with technological advances and the development of society. Trade transactions in goods and services are one form of business activity that must be carried out by following the applicable laws and regulations in Indonesia. One form of law violation in product marketing activities is the use of registered trademarks of other companies for similar types of products, especially trademarks that are of good quality and known by the public. In connection with the foregoing, a legal device is required from state institutions that can provide protection for registered trademark holders from trademark counterfeiting by other parties².

The state protects a registered mark for 10 (ten) years from the date of registration of the mark at the Indonesian DGKI. If a trademark is not registered, it will not be protected by the state. Therefore, the mark can be used by other parties³. According

¹ Andi Fahmi Lubis, et al, Business Competition Law Textbook, Business Competition Supervisory Commission, Jakarta 2017, 12.

² Fajar Nurcahya Dwi Putra, 'Legal Protection for Trademark Rights Holders Against Trademark Infringement', Journal of Mimbar Keadilan Ilmu Hukum, 2014, 98.

³ Sulastri, Satino, Yuliana Yuli W, 'Legal Protection of Trademarks (Review of Tupperware Versus Tulipware Trademarks)', Juenal Yuridis Vol. 5 No. 1, 2018, 162.

to Law No. 20/2016, the right to trademark is an exclusive right granted by the state to the owner of a registered trademark for a certain period of time by using the trademark itself or giving permission to other parties to use it. A well-known trademark has a good reputation as well as appeal, any product under a well-known brand will immediately create friendliness and have a distinct degree of consumer recognition of a particular brand or a particular field in commerce or industry⁴. Well-known trademarks are often used by malicious parties to counterfeit well-known trademarks. Trademark counterfeiting can be done against similar or different products, counterfeiting of similar products can be easily identified by comparing the quality and shape of the product itself, but this identification will be difficult for different products.

PT Tatalogam Lestari is a company that produces lightweight steel frames and roofs with various brands that have been registered at the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights (Kemenkumham). One of the officially registered brands is Jolibi. The Jolibi trademark has been protected by the DJKI since September 23, 2021 with a protection period for trademark rights until September 23, 2031 with application number IDM000999583. So that PT Tatalogam Lestari has exclusive rights granted by the State to registered trademark owners for a certain period of time.

With the registered trademark owned by PT Tatalogam Lestari. Then the Jolibi trademark gets protection from the Republic of Indonesia in this case by the Ministry of Law and Human Rights of the Republic of Indonesia through the DJKI so that in the event of a violation of the law using the Jolibi trademark by other parties who are not responsible for unhealthy industrial competition and only pursue large profits and misleading the brand in the community. Then the Jolibi trademark will be protected and can take legal action according to applicable procedures and ensure that the Jolibi trademark gets definite protection.

Jolibi trademark owned by PT Tatalogam Lestari was sued for cancellation of registered trademark by Jollibee Foods Corporation, a company incorporated in the Philippines with address in Pasig City 1605 Metro Manila at the Commercial Court of Central Jakarta District Court in case No. 39/Pdt.Sus-HKI/Merek/2023/PN.Niaga Jkt Pst. The plaintiff considers that its Jollibee mark is a well-known mark with a

⁴ Risa Amrikasari, 'The Difference between Ordinary Trademark, Famous Trademark and Luminary Trademark', Online Law, Accessed on the page, <https://www.hukumonline.com/klinik/a/ini-perbedaan-merek-biasa--merekterkenal--dan-merek-termasyhur-lt5563c921eed12>. On May 13, 2023.

claimed existence of more than 5,800 restaurant outlets in at least 34 countries in the world.

Jolibi trademark owned by PT Tatalogam is considered to have similarities in its entirety or at least have similarities in essence with Jollibee owned by the plaintiff which is a well-known trademark. In its decision, the panel of judges rejected the plaintiff's claim entirely. Based on this description, the author is interested in examining the Legal Protection of the Lawsuit Process in the Commercial Court Against Jolibi Trademark Holders of PT Tatalogam Lestari.

This research is normative research, namely the process of finding legal rules, doctrines, and legal principles to answer existing legal issues. This research is based on primary and secondary legal materials, namely in the form of legislation, research journals, books, and legal articles that discuss intellectual property rights, especially brands, banking, and guarantees. Data collection techniques using literature study techniques by collecting all legal materials relevant to the issue at hand. The analysis used uses syllogism with a deductive mindset.

II. DISCUSSION

Position and Legal Power of Patented Trademark Holders in Indonesia in accordance with the Trademark and Geographical Indications Act.

Legal position or *locus standi* is a condition when a party is considered eligible to apply for dispute resolution in a court. Usually legal standing can be shown in the following ways⁵ :

1. A party is directly harmed by the law or measure at issue, and this harm will continue unless a court intervenes by ordering compensation, determining that the law at issue does not apply to that party, or declaring the law null and void;
2. The claimant is not directly harmed, but they have a reasonable connection to the situation that caused the harm, and if left unchecked the harm could befall others who cannot seek relief from the court;
3. A party is given legal standing by a law;

Legal position has an understanding of where a legal subject or legal object is located. By having a position, legal subjects or legal objects can carry out actions and authorities as their status. In Latin terms, legal position is called *locus standi*

⁵ R Soeroso, Introduction to Legal Science, (Jakarta: Sinar Grafika, 2008) 103.

which means that a situation when a legal subject or legal object is considered to meet the requirements to submit an application for settlement of a dispute that occurs. The existence of regulations and legal position is to provide legal certainty in the form of protection for justice seekers related to trademark protection issues that the constitutive system requires intellectual property rights to be registered, registration that meets the statutory requirements is a recognition and justification of one's intellectual property rights as evidenced by the registration certificate so as to obtain legal protection and legal certainty. The legal position is useful to know the position of each party so that it can be seen the position of the disadvantaged and benefited, that's where legal protection comes in as a step from the state to restore the legal position of each party somewhat in accordance with their respective positions.

Law Number 20 Year 2016 on Trademarks and Geographical Indications (MIG Law), the issuance of the MIG Law aims to improve services and provide legal certainty for industry, trade, and investment in the face of local, national, regional, and international economic developments as well as the development of information and communication technology, needs to be supported by a more adequate legislation in the field of Trademarks and Geographical Indications. MIG Act is to provide legal certainty, in line with Darji Darmodiharjo law must be implemented and enforced, everyone expects the application of the law in the event of a concrete event. For that MIG Act is expected to provide legal certainty, if there are violations of the trademark that has been registered.

Trademarks that have been registered have exclusive rights, exclusive rights in the MIG Act is the right to trademark is an exclusive right granted by the state to the owner of a registered trademark for a certain period of time by using the trademark itself or give permission to other parties to use it. The holder of a mark that has been registered in Indonesia has the exclusive right to use the mark within Indonesia. These exclusive rights include:

1. The right to use the mark, the trademark holder has the right to use the mark in commerce to indicate the goods and/or services it produces or trades.
2. The right to prohibit other parties, the trademark holder has the right to prohibit other parties from using the same or similar trademark for similar goods and/or services.
3. The right to sue for damages, the trademark holder has the right to sue for damages to other parties who infringe its exclusive rights.

In terms of legal force, trademarks that have been registered in Indonesia have strong legal force. This is proven by:

1. Trademark Certificate, the holder of a patented mark will receive a trademark certificate which is proof of ownership of the mark.
2. Legal protection: Patented brands receive legal protection from the Indonesian government.
3. Dispute resolution, disputes related to a patented mark can be resolved through the courts.

In the Commercial Court Decision at the Central Jakarta District Court Number 39/Pdt.Sus-Merek/2023/PN.Niaga.Jkt.Pst between Jollibee Foods Corporation against PT Tatalogam Lestari and the Ministry of Law and Human Rights. In the lawsuit, the plaintiff basically demanded to cancel or declare void the "JOLIBI" trademark with registration number IDM000999583 owned by the defendant in class 6 of the general register of trademarks, because it has similarities in its entirety or at least has similarities in essence with the "JOLLIBEE" trademark owned by the plaintiff.

The defendant's JOLIBI mark in class 6 is a mark that has been registered in advance compared to the Plaintiff's mark in class 6 which is still in the process of registration, with acceptance on September 23, 2021, registration number IDM 00009999583 with a period of protection of rights to the mark until September 23, 2031 which are types of goods in class 6, namely light steel roof trusses, panels of metal / iron / steel, metal supports, metal inner doors, metal gutter pia, metal coating for building, metal loading pallets, barb wire, metal locks, steel wire, non-insulated copper wire, aluminum welding wire, metal welding wire, wire mesh, metal bolts, metal nuts, metal roof trusses, light steel roof trusses, metal clamps, metal cable joints (not electrical), nails, metal roof tiles, metal framework for building, aluminum foil paper.

The right to a trademark is a special right granted by the state to the owner to use the trademark itself or give permission to others to use it. The granting of special rights by the state has the legal impact that to get it must go through the stages of registration procedures so that the nature of registration becomes mandatory in order for the trademark to get protection and recognition from the state, then the trademark owner is obliged to register it⁶ Based on the exclusive rights of the trademark registration provides a legal position that must be protected by the state,

⁶ Jisia Mamahit, "Legal Protection of Trademark Rights in Trade of Goods and Services", *Lex Privantum*, Vol. 1, No. 3, 2013, 92.

this is in line with the opinion of Philipus M. Hadjon that the state must protect the rights of its citizens as part of efforts to protect the legal position of each party, in this case the registered trademark must be protected in accordance with these objectives.

Trademark registration is administratively recorded and the state is obliged to protect the rights of trademark registrants, as part of efforts to conduct preventive protection as the opinion of Philipus M. Hadjon, but if there is a violation of the trademark then the protection of trademark law appears as a means of repressive or part of the enforcement of trademark law. From this we can see that the legal position for the trademark holders must be approved by the state through the registration procedure so that the state can be present in the enforcement of trademark law in the event of a violation, this is in line with the purpose of the law is to provide the widest possible protection to citizens who obey the applicable law.

So based on the JOLIBI trademark owned by PT Tatalogam Lestari which has been registered on September 23, 2021, registration number IDM 00009999583 with the protection period of trademark rights until September 23, 2031, then JOLIBI trademark owned by PT Tatalogam Lestari legal position as a trademark that has been registered in advance under the MIG Act, requires the right to a trademark is the party registering the trademark first. This is done to ensure legal certainty because the owner or registrant of the trademark is given a certificate as proof of registration and proof of rights to the trademark. Trademarks are entitled to protection for ten years and the trademark is also obliged to extend if the validity period of the trademark expires on the condition that the trademark concerned is still used on goods or services.

Forms of Legal Protection of Patented Trademark Holders Study Decision Number 39/Pdt.Sus-Merek/2023.PN.Niaga.Jkt.Pst

Law is not an end, but as a means or tool to achieve goals that are non-juridical in nature and develop due to designs from outside the law. These legal factors are what make the law dynamic, in an effort to regulate the law to adjust the interests of individuals with the interests of society as well as possible and try to find a middle

point between giving individual freedom and protecting society itself from conflicts that occur in the midst of community interaction⁷.

Sudikno Mertokusumo's opinion is that the law is a whole collection of rules or rules in a common life, the whole rules of behavior that apply in a common life, which can be enforced by a sanction⁸. Legal protection according to H. Salim and Erlies Septina Nurbani, legal protection is an effort or form of service provided by law to the subject of law as well as things that become objects that are protected from the actions of irresponsible legal subjects. The elements listed in the theory of legal protection include⁸:

1. The existence of the form and shape of protection or the purpose of protection.
2. Legal subject; and
3. Object of legal protection.

This opinion is in line with the opinion expressed by Philipus M. Hadjon that legal protection for the people is a preventive and repressive government action. Preventive legal protection aims to prevent disputes, which directs government action to be careful in making decisions based on discretion, and repressive protection aims to resolve disputes, including handling them in the judiciary⁹. Legal protection provided by the state is not only limited to the trademark owner, but also to consumers who want safe, comfortable and secure in getting the original trademark so as not to be fooled in buying goods with fake brands. Legal protection given to the owner of the trademark is the owner of the trademark in good faith, meaning that even though it has a certificate as proof of ownership of a trademark, but can be requested removal or cancellation of the trademark if the owner is proven to have bad faith.

Legal protection of the trademark is only applied to the trademark that has been registered. Trademark registration will provide stronger protection, especially if it conflicts with identical or similar trademarks. Although most business people realize the importance of using trademarks to distinguish their products from those

⁷ Muhammad Ferdian, The Legal Position of Law Number 20 of 2016 concerning Trademarks and Geographical Indications Against Unfair Business Competition, *Scientific Journal of Aerospace Law*, Vol. 9, No. 2, 2019.78. ⁸ Sudikno Mertokusumo, *Understanding Law (An Introduction)*, Revised Edition, Yogyakarta: Cahaya Atma Pustaka, 2010, 49.

⁸ H. Salim HS and Erlies Septiana Nurbani, *Application of Legal Theory to Thesis and Dissertation Research*, Jakarta: RajaGrafindo Persada, 2014, p. 263

⁹ Phillipus M. Hadjon, *Legal Protection for the People of Indonesia*, Surabaya: Bina Ilmu, 1987, 29.

of their competitors, not all parties are aware of the importance of trademark protection through registration¹⁰.

The existence of such protection shows that the state is obliged to enforce Trademark law. Therefore, if there is a registered infringement, Trademark owners can file a lawsuit to the authorized court. With this protection, justice will be realized which is the purpose of the law. One of the objectives of the law is to realize public justice. With the protection of the law, the legitimate trademark owners are protected by their rights¹¹.

The existence of legal protection is a form of legal function that must provide justice, benefit and legal certainty. The enactment of legal protection of registered trademarks will encourage investment and increase investor confidence in running their business in Indonesia. If the legal protection of the registered mark is not running then the interest of investors in investing and running their business in Indonesia will be weakened, and this is not very favorable for the Indonesian economy.

According to Zen Umar Purba, the reasons why intellectual property rights (IPR) need to be protected by law are as follows¹²:

1. The "non-economic" reason states that legal protection will encourage those who produce intellectual works to continue to do intellectual creativity. This will increase *self-actualization* in humans. For society, this will be useful to improve the development of their lives.
2. The "economic" reason is to protect those who produce intellectual works, which means that those who produce them benefit materially from their works. On the other hand, it protects them from imitation, piracy, plagiarism and other fraudulent acts committed by others on the works to which they are entitled.

One example of a trademark dispute in this writing that occurred in early 2022, PT Tatalogam Lestari is a local company located in West Jakarta which is a mild steel company that was sued by Jollibee Foods Corporation from the Philippines with the

¹⁰ Tommy Hendra Purwaka, "Trademark Protection", (First Print) Yayasan Pustaka Obor Indonesia, 2017, Jakarta, pp. 39-40.

¹¹ Haryono, "Legal Protection of Registered Trademarks", Scientific Journal of CIVIS Vol II No 1 January 2012, PGRI Semarang University, 2012, Semarang, p. 241. 241

¹² A. Zen Umar Purba in Anne Gunawati, "Protection of Famous Trademark of Non-Similar Goods and Services Against Unfair Business Competition", PT. Alumni, 2015, Bandung, p. 83. 83.

number of the Commercial Court Decision at the District Court Number 39/Pdt.SusMerek/2023/PN.Niaga.Jkt.Pst. This case began in March 2023, where Jollibee Foods Corporation filed a lawsuit to cancel the JOLIBI trademark with registration number IDM000999583 owned by PT Tatalogam Lestari in class 6 of the General Register of Trademarks.

The panel of judges in the court of first instance decided to reject the plaintiff's claim in its entirety and ordered the plaintiff to pay the costs incurred in the case. The plaintiff argued that when the defendant registered the JOLLIBEE mark in 2013, it was done in bad faith which assumed that the defendant had imitated or was inspired by the JOLLIBEE mark and the image belonging to the plaintiff, thus demanding that the defendant's JOLIBE mark be canceled in class 6 of the General Register of Marks. In the MIG Law, a person can file a trademark cancellation lawsuit based on the following grounds:

1. Trademarks registered on the basis of an application filed by an applicant with bad faith;
2. The registered trademark is contrary to applicable laws and regulations, religious morality, decency, or public order;
3. The mark has become public property;
4. The mark is a description of or related to the goods or services for which registration is sought;
5. The trademark is substantially or entirely similar to the trademark owned by another party that has been registered earlier for similar goods and/or services;
6. The trademark is substantially or entirely similar to a well-known trademark owned by another party for similar goods and/or services;
7. The mark is substantially or entirely similar to a recognized geographical indication;
8. The mark is or resembles the name of a famous person, photograph, or the name of a legal entity owned by another person, except with the written consent of the rightful owner;
9. The trademark is an imitation or resembles the name or abbreviation of the name, flag, emblem or symbol or emblem of the state or national or international institutions, except for the written consent of the authorized party;
10. The mark is an imitation or resembles a mark or stamp or official seal used by the State or a government agency, except with the written consent of the authorized party.

In the lawsuit, Jolibee Foods Corporation considers that the defendant's JOLIBI mark has similarities in its entirety or at least has similarities in essence with the plaintiff's JOLLIBEE mark and the plaintiff assumes that the plaintiff's mark is a well-known mark. Based on the description of the statement of claim and the petitum, the panel of judges considered that based on all legal considerations, the reasons or arguments put forward by the plaintiff in his lawsuit were considered insufficient as the basis of argumentation to prove that when the defendant registered the JOLIBI trademark in 2013 it was done in bad faith so that the basis for the claim for cancellation of the trademark was rejected so that the plaintiff's claim was rejected in its entirety.

Arrangements regarding the cancellation of registered trademarks can be found in Article 76 through Article 79 of the MIG Law. Unlike the removal, registered trademark registration can only be filed by interested parties or trademark owners, either in the form of an application to the Directorate General of IPR or a lawsuit to the Commercial Court or the Jakarta Commercial Court if the Plaintiff or Defendant resides outside the territory of the Republic of Indonesia. Cancellation and deletion of trademark registration provide legal consequences and the end of legal protection of the trademark. After the owner of the unregistered trademark filed an application to the Directorate General, the filing of trademark cancellation can be done by filing a lawsuit to the commercial court.

Trademark applications must be rejected by the Directorate of Trademarks if the trademark resembles the name of a famous person, flag, state emblem, official seal of the State except for the written consent of the competent authority. A trademark registration cancellation lawsuit can only be filed within a period of 5 years from the date of trademark registration. The cancellation lawsuit can be filed without a time limit if the trademark is contrary to morals, decency, including the notion of elements that are contrary to public order. Against the verdict of the commercial court that decides on this kind of cancellation lawsuit can only be filed to the Supreme Court cassation. Cancellation of trademark registration is carried out by the Directorate General by striking out the relevant trademark from the General Register of Trademarks with a note on the reasons and date of cancellation. Cancellation of registration was notified in writing to the Trademark Owner or his attorney by stating the reasons for cancellation and confirmation that as of the date of removal from the General Register of Trademarks, the Trademark Certificate concerned is declared no longer valid.

For trademark owners who object to the trademark removed either by the Directorate of Trademark or by a third party, there are legal remedies that can be done. If the trademark is removed by the Directorate of Trademark, the trademark owner whose trademark is removed can file a lawsuit for the removal of the trademark to the Commercial Court while for the trademark owner whose trademark is removed by a third party based on the decision of the Commercial Court can file a cassation on the decision of the Commercial Court. Trademark owners who object to the removal of their trademark either by the Directorate of Trademark or by a court decision must have proof that the trademark is still in use.

The existence of legal remedies that can be done by the trademark owner who objected to the trademark removed either by the Directorate of Trademark or by a third party, is the government's effort to provide assurance of legal certainty, justice, and the rule of law and respect for human rights, because the national strength of a nation depends on the progress and ability to produce Intellectual Property including also protect Intellectual Property which ultimately can provide welfare and prosperity of the nation.

In the Central Jakarta District Court Decision Number 39/Pdt.SusMerek/2023/PN.Niaga.Jkt.Pst between Jollibee Foods Corporation against PT Tatalogam Lestari and the Ministry of Law and Human Rights. PT Tatalogam Lestari with the JOLIBI brand can prove and convince the judge that the JOLLIBEE brand is not a well-known brand and has no similarity in its entirety or at least has similarities in essence with the JOLLIBEE brand owned by the plaintiff. Consideration of the panel of judges in Decision Number 39/Pdt.Sus-Merek/2023/PN.Niaga.Jkt.Pst, to meet the criteria as a well-known trademark must be in accordance with Article 21 paragraph (1) letter (b) of the MIG Law jo Article 18 paragraph (3) Permenkuham 12 Year 2021.

So the form of legal protection that can be done by the trademark owner with the *first to file*, especially in the Central Jakarta District Court Decision Number 39/Pdt.SusMerek/2023/PN.Niaga.Jkt.Pst, namely the defendant as the *first to file* is protected from other parties who register the same trademark in essence or similar must not be registered, the second protection from applicants in bad faith, the third is protected by being able to sue for cancellation or removal of the trademark. Since in this case the trademark owner is registered as a defendant, the defendant must prove that it does not have similarities in its entirety or at least does not have similarities in essence with the JOLLIBEE trademark owned by the plaintiff and prove that the JOLLIBEE trademark is not a well-known trademark.

III. CONCLUSION

Based on the results of the research and discussion above, it can be concluded that: The position and legal force of trademark holders who have been patented in Indonesia according to the trademark law and geographical indications, the position of the trademark that has been registered in advance based on the applicable in the MIG Act requires that the right to a trademark is the party who registered the trademark and the position of the trademark that has been registered in advance is entitled to a trademark. This is done to ensure legal certainty because the registered trademark is given a certificate as proof of registration and proof of rights to the trademark. The registered trademark is entitled to protection for ten years and the trademark is also obliged to extend if the validity period of the trademark expires on the condition that the trademark concerned is still used and circulated in Indonesia.

The form of legal protection of holders of patented trademarks in the study of decision number 39/Pdt.Sus-Merek/2023.PN.Niaga.Jkt.Pst, the panel of judges in the first instance court decided to reject the plaintiff's claim in its entirety and ordered the plaintiff to pay the costs incurred in the case. The panel of judges considered that based on all legal considerations, the reasons or arguments put forward by the plaintiff in his lawsuit were considered insufficient as the basis of argumentation to prove that when the defendant registered the JOLIBI trademark in 2013 it was done in bad faith so that the basis for the claim for cancellation of the trademark was rejected so that the plaintiff's claim was rejected in its entirety. Forms of legal protection of registered trademarks are first, the trademark is protected from other parties who register the same trademark in essence or similar must not be registered. Second, protection from applicants who are in bad faith. Third, it is protected by being able to sue for cancellation or removal of the trademark.

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