



The Training of Trademark Registration for Usaha Mikro Kecil Menengah (UMKM) to Protect Hak Kekayaan Intelektual (HKI)

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Abstract

The training trademark registration were important to support the development of a business product. Several members of Fatayat NU Batanghari have businesses that produced many products of economic value. The limited knowledge people was about trademarks of products did not have brand. Hence, the purpose of this article was to increase knowledge about trademark registration and the process of registered trademarks at the Direktorat Jendral Kekayaan Intelektual (DJKI). The method used Community Based Research (CBR) with 50 participants of PAC Fatayat NU Group of Bumiharjo Village, Batanghari East Lampung. The collecting data used observation, documentation and conducting Forum Group Discussion (FGD). Furthermore, the result product have a legitimate brand. Hence, it has a high economic value and avoids plagiarism by irresponsible people. This Community Service used the Community Based Research (CBR) method and the sample was 50 participants. The result of this service community showed that the participants could engage their knowledge about the importance of legally registering business product trademarks. Especially Fatayat NU Batanghari group got the rights from the trademark registration of thier business product.

Keywords: Training Trademark Registration, Hak Kekayaan Intelektual, Registration of UMKM

ARTICLE INFO

Article history:

Received

December 21,
2021

Revised

July 12, 2022

Accepted

July 26, 2022

Published by

ISSN

Website

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2774-7077

<https://attractivejournal.com/index.php/bce/>

<https://creativecommons.org/licenses/by-sa/4.0/>



INTRODUCTION

Intellectual Property Rights (IPR) is a human intellectual ability. It is a protected right that arises from the result of a human mindset that produces a product or process that is useful for humans (Banindro, 2015; Firmansyah, 2018). It is a right to a work that is produced through mental utilization and thoughts are accompanied by the sacrifice of time, effort and cost so that it will generate economic value. However, it should be noted that the economic value will only appear when the work already exists and can be accessed by other parties (Desmayanti, 2018). Intellectual Property Rights are divided into two categories, namely Industrial Property Rights and Copyrights. Included in Industrial Property Rights are: Patents, Brands, Industrial Designs, Layout Designs of Integrated Circuits, Trade Secrets, and Plant Varieties.

In Law No. 20 of 2016 states that a Mark is a sign that can be displayed graphically in the form of images, logos, names, words, letters, numbers, color arrangement, in the form of two dimensions or three dimensions, sound, hologram, or a combination of two or more of these elements to distinguish goods or services produced by people or a legal entity in the activity of trading goods and/or services (Law Number 20 of 2016 concerning Marks)

The right to a mark is a special right (exclusive) granted by the state to the owner to use the mark himself or give permission on someone else to use it. The granting of special rights by the state has the consequence that to get them one must go through a registration mechanism, so that the nature of registration is compulsory. In order for the trademark rights to receive protection and recognition from the state, the owner of the mark must register it with the state. If a mark is not registered, then the mark will not be protected by the state (Arifin & Iqbal, 2020). The important role of brands in trading activities often creates problems. These brand problems such as imitation, counterfeiting, and even misuse of brands by other parties which lead to losses in business continuity carried out by business actors (Indrawati & Setiawan, 2020; Indrawati, 2019; Anthonia, 2015). This reason makes brands need legal protection in order to provide legal certainty for the community.

A micro, small and medium enterprise (MSME) is currently experiencing very rapid development. This development is not followed by the knowledge of business owners about the trademarks of the products produced. Business actors only believe that brands are not important, as long as the products they produce can be accepted by the market and can provide benefits to them. MSMEs in Indonesia have become an important part of the economic system in Indonesia. This is because MSMEs are business units that are more numerous than large-scale industrial enterprises and have the advantage of absorbing more labor and also being able to accelerate the process of equity as part of development. Based on this fact, MSMEs should be protected by laws and regulations that related to operational and development activities (Suci, 2017; Nurani, Nurjanah, & Prihantoro, 2020). Public knowledge regarding trademark registration is still minimal, the benefits obtained from trademark registration cannot be felt directly. So in the view of business actors there is no need for trademark registration in developing their business, because registering does not make the business develop. The tendency to get the maximum profit makes business actors think of other ways to make a profit. One way is to copy brands from other parties. Of course, this is a bad way to gain profit by means of bad faith.

The importance of Intellectual Property registration especially in several fields Intellectual Property that requires registration to obtain legal protection for its creators (Adaninggar, Saptano, & Roisah, 2016). System development Today's technology makes various sectors use online systems a lot. Besides easier and does not require a long time, the online system is considered effective an efficient because it can be done anywhere and anytime. Director General of Intellectual Property. The Ministry of Law and Human Rights of the Republic of Indonesia also takes advantage of technological advances in the system Intellectual Property registration online. This system is a collaboration between the Director General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of

Indonesia with international bodies that specifically managing and administering mutual agreements between countries in the field of Intellectual Property, namely WIPO (World Intellectual Property Organization). public understanding regarding Intellectual Property online services, especially for SMEs to have the will to register their products without have the assumption that registering IPR takes a long time and the procedure is too complicated difficult so that the products of MSME actors will get clear legal protection for that it is necessary to hold socialization to the community, especially MSMEs that are have Intellectual Property in order to be willing to apply for registration Intellectual Property Registration (IPR). Intellectual Property Registration can now be done online with open an existing application on the website of the Director General of Intellectual Property Rights, Ministry of Law and Human Rights, RI

This also applies to members of Fatayat Nahdatul Ulama (Fatayat NU) Batanghari who have businesses that have started to develop. Among the businesses being developed are homestays, handicrafts, and others. They do not or do not even know about the importance of a brand. So that the marketing of the products they produce is only limited. Fatayat Nahdatul Ulama is an Islamic youth organization which is one of the autonomous bodies within Nahdatul Ulama. Fatayat NU was born to respond to various problems faced by women and the need to develop women's potential and resources. This is where Fatayat NU has two dimensions simultaneously, namely as an instrument of NU regeneration on the one hand and as an organ of the women's movement on the other, of course these two dimensions cannot be separated from each other (Hidayat et al., 2020). Fatayat NU members who already have a business only focus on production and marketing. They assume that when the marketing of the product is smooth, the production will continue and develop. However, the products that have been produced are not registered with the relevant institutions as a brand of their products. So that when someone plagiarizes their product, the business owner cannot take legal action. By registering the brand of a product produced by Fatayat NU members, they get several benefits. A product that already has a registered brand will get a higher economic value. In addition, the brand owner will have legal protection for the product if in the future there are other similar products.

Community service performed to members of PAC Fatayat NU Batanghari is related to ignorance in the trademark registration process. Trademark is an important thing to be registered in order to have protection for intellectual property rights owned by a business. Not a few of the members of PAC Fatayat NU Batanghari who already have a growing business. However, the resulting product does not have registered trademark rights. This happens because of the lack of knowledge about trademark registration and the assumption that the trademark registration process is very complicated. The solution that offered in this community service is in the form of trademark registration training for owners of micro, small and medium enterprises (MSMEs) to protect intellectual property rights (IPR).

METHOD

This Community Service uses the Community Based Research (CBR). CBR is defined as a community of research and academic expertise to explore and create opportunities for action social and social change (Jason, L., & Glenwick, D. 2016; Souleymanov, et al., 2016; Bischoff, & Jany, 2018). It is a partnership in between students, academics and community members who collaborate to engage in research with the aim of provide solutions to urgent problems faced community so that it can lead to social change (Arantes do Amaral, & Lino dos Santos, 2018). The stages of this community service activity are:

1. Laying Foundation.

The laying of basic principles is done by discussing with partners, namely Fatayat NU Batanghari regarding the objectives of the research and determining their respective roles. In this stage the service team introduced the general description of the lives and conditions of Fatayat NU Batanghari members to create trust building. The sample participants in this community service is 50 participants at Bumiharjo Village, Batanghari East Lampung Regency.

This activity is carried out by organizing and clarifying the role of each party involved in this service. Identifying the assumptions that developed in Fatayat NU Batanghari members for research, clarifying the research context, and determining the final goal.

2. Planning (Planning)

At this stage several assumptions that have been identified in the early stages are selected and determined which problems can be used as research questions, the methods that can be used to answer, and consider time and cost.

Research questions are made so that they can be referred to as "powerful questions". Categories of research questions can be descriptive, relationships between variables, cause and effect, strength of relationships, descriptions of processes, membership in groups and their relationship to the process.

This service discussed trademark registration training for Fatayat members who already have a business or who start a business, with this training it is hoped that this training can increase members' knowledge of the importance of brands in a product.

3. Data Collection and Analysis

The stages of data collection are carried out by means of observation, documentation and Forum Group Discussion (FGD). Data analysis is carried out by searching and compiling data systematically with great care in order to obtain scientifically justifiable findings.

4. Findings Acting on research

The research to Fatayat NU Batanghari members and then a follow-up training is needed. The training step was chosen to clarify knowledge about who can register a mark, where and when the registration is carried out, what is owned and desired from the registration of the mark. The training carried out is on trademark registration for micro, small and medium enterprises so that they can protect the intellectual property rights of business owners who have produced products of economic value.

RESULTS AND DISCUSSION

This activity held on Saturday, October 23, 2021, in the Bumiharjo Village, Batanghari, East Lampung Regency. The purpose of holding this service is to make Fatayat NU Batanghari cadres as independent women who have micro, small and medium enterprises (MSMEs) able to register trademarks from the results of their efforts. So that MSME actors from Fatayat NU cadres can market their business results widely and legally. This activity was carried out by inviting Fatayat NU cadres, both those who already had MSMEs or not, to take part in this service event. Furthermore, they are given knowledge about the importance of registering a trademark from the results of their business so that they get more profits.

The next step is to provide an example of how to register a trademark online on the direktorat jendral kekayaan intelektual (DJKI) portal to conduct a trademark search by clicking <https://pdki-indonesia.dgip.go.id/>. Opt for brand search and then enter the name of the brand to search for. If there has been a check for the class of the mark whether there is a similarity with the mark to be registered, if there is no similarity and not identical, the class and the mark to be registered, then it has passed the first stage.

The next stage is to prepare the requirements in the form of supporting documents to register the mark. Some of the requirements are: ID card, MSME certificate, NPWP, Brand E-ticket, registration form, statement of originality and digital signature. In an effort to protect Intellectual Property, registration is needed Intellectual Property in order to have legal protection of Intellectual Property which has been created through the results of his intellectual creativity (Yanto, 2015). MSME actors if you want to get Intellectual Property, you must register. Some branches of Intellectual Property that are required to register in order to obtain clear legal protection and certainty, namely Marks, Patents, Designs, Industry, Integrated Circuit Layout Design, Trade Secrets and Variety Protection Plant (Budi Asri, 2020; Anggraeni, Imannudin, Rezki, 2022). This principle underlies intellectual property law around the world and result in the incompetence of unregistered intellectual property owners to prosecute anyone suspected of using their intellectual property illegally.

Continue by selecting the type of application whether it is goods or services or goods and services, below it select MSME, below it again enter the class in question, then order the billing code and proceed with payment, continue again by clicking the word add, already have a billing code, continue by filling out all the fields available until step 8 then click save continue with submitting an application, the application number will come out and registration is complete.

Figure 1: The Training of Trademark Registration for Usaha Mikro Kecil Menengah (UMKM)



After the service on trademark registration was carried out, it resulted: PAC Fatayat NU Batanghari cadres, especially those who already own MSMEs, have not registered trademarks from their business results, so the marketing carried out is very limited so that opinions are also limited. They think that registering a trademark from their business is very complicated, so they don't register it. It given the importance of trademark registration for business results, Fatayat NU cadres are enthusiastic about participating in this training. They ask in detail what needs to be prepared so that their business mark is registered. After this assistance was carried out, Fatayat NU cadres gained knowledge of the importance of registering a trademark from the results of their efforts.

The findings from this service are that PAC Fatayat NU Batanghari cadres who already have MSMEs have not registered their business trademarks legally. This is based on their ignorance of the importance of registering their trademarks. So far, they think that registering a trademark requires a large amount of money and goes through a complicated process, thus discourages them from registering a trademark for their business.

This service community provides knowledge to PAC Fatayat NU Batanghari cadres on the importance of officially registering trademarks from their business results. So that the results of their efforts have a valid trademark and thus will get the benefits. With the registration of the trademark, the results of his business would get legal protection if there are other people who use the same trademark as him. In addition, the business results that have been registered on the trademark will be marketed more widely than before it was registered. Thus, the profits to be obtained will also increase.

The finding was line with Baihaqi, Prima, & Widiyanto, (2021) found that the participants strongly agree that this community service activity is very important useful, gain new knowledge about MSMEs and IPR, and it is necessary activities would be held at another time. The participants claimed to be interested in starting to prepare requirements to register their trademark in order to get law protection

(Khoironi, 2013; Karina, R. M. P., & Njatrijani, R. (2019). The registered mark get the current legal protection regulated in Law Number 15 Years 2001 on Brand, which is the result renewal of the old Trademark Law namely Law no. 19 of 1992 and Law no. 14 1997.

CONCLUSION

Fatayat NU Batanghari are young NU female cadres who are in their productive age. Many of its members carry out several activities in order to make ends meet, either by working or by establishing an independent business. The efforts of the cadres in the form of MSMEs already have a lot of business results that have been marketed at this time, but the marketing of these products is only limited. This is related to the legality of the product. There are no Fatayat NU members who become mentoring participants who have legally registered trademarks of their products. This is due to their lack of knowledge about the importance of registering the trademark. In addition, by registering a trademark for its products, it provided legal protection for the products registered and get more benefits because by registering the product, the marketing area be wider. From the results of this assistance, it can be concluded that Fatayat NU Batanghari cadres understand the importance of registering trademarks for produced their business products.

ACKNOWLEDGMENTS

This community service activity was funded by Lembaga Penelitian dan Pengabdian Masyarakat (LPPM) Institut Agama Islam Ma'arif NU (IAIMNU) Metro.

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