

## The Urgency of Publication in Intellectual Property Issuance in Indonesia

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### Abstract

*The trademark "I AM GEPREK BENSU SEDEP BENEERRR," which has the rights to industrial designs and is registered with the Director General of Intellectual Property (KI) and has been used since April 2017, has similarities with the Geprek Bensus brand. In this study, there are 2 (two) points that are the subject of the study of the problem, namely how to publish industrial designs and trademarks in Indonesia and what is the right solution so that industrial designs and trademarks in Indonesia are not published in duplicates. In answering these problems, the author uses a normative juridical approach. The results of this study are that the issuance of industrial designs and trademarks is carried out based on early registration. In order to avoid the existence of similarities in society, it is necessary to publish massively in various media.*

### Keywords

wealth; intellectual; design; industry; dual; bensus



### I. Introduction

In September 2020, the public was shocked by the lawsuit against "Geprek Bensus," managed by an Indonesian artist, Ruben Onsu. The use of the "Geprek Bensus" brand turns out to have the same name and design as the food box belonging to another party with the name "Geprek I am Bensus." The similarity or resemblance to the trademark is part of the intellectual property infringement committed by Ruben Onsu. It requires the Government's responsibility to create legal certainty for the use of intellectual property. "First to File" is a system that becomes a parameter in determining the holder of intellectual property rights owned by everyone in Indonesia. The existence of a fundamental similarity or resemblance to the brand of a product mentioned above has been decided through the High Court by the Supreme Court. Decision Number No. 57/Pdt.Sus-Hki/Merek/2019/Pn.Niaga Jkt.Pst. In the verdict, it was stated that related to the dispute between the two parties, namely Ruben Onsu was the owner of Geprek Bensus and PT Ayam Geprek Benny Sujono. At the same time, Defendant (PT Ayam Geprek Benny Sujono) is the owner of the rights and the first registrant (First to File) on the "bensus" brand. As the rights holder and the party who registered for the first time through the "First to File," Benny Sudjono was finally determined by the court to hold the exclusive right to the trademark that had been registered beforehand and requested to use the "bensus" mark in Indonesia, this is done to describe the differences or distinctive characteristics with trademarks owned by other parties.

The beginning of the similarity of the "Bensus" brand was motivated by the involvement of Jordi Onsu who is the younger brother of artist Ruben Onsu who at that time was entrusted as the operational manager of the Geprek Benny Sudjono business with the brand "I am Geprek Bensus" and in the end in business management is proliferating. Furthermore, opened a branch (outlet). Furthermore, to increase the buyer's interest in the

"Bensu" trademark, the plaintiff uses the services of Ruben Once as the brand ambassador and provides royalties or profit sharing to the defendant in accordance with the agreement of both parties.

Meanwhile, based on data from the Directorate of Intellectual Property, it has been recorded that the "Geprek Bensu" brand has belonged to Benny Sudjono as of August 2017. After officially obtaining the right, Benny Sudjono uses the brand in all outlets and restaurants where the business is concerned. However, in recent years Ruben Once has also used the logo and brand "Geprek Bensu," which has the exact resemblance to crew owner Benny Sudjono. The existence of such imitation can be categorized as an act that violates the provisions of Law Number 31 of 2000 concerning Industrial Designs. Upon Ruben Onsu's action, Benny Sudjono then objected and filed a lawsuit with the Supreme Court of the Republic of Indonesia to cancel the issuance of the food packaging so as not to cause doubt in the community.

The design and logo of "Geprek Bensu," which is already well-known among the public with a distinctive taste, if allowed to circulate 2 (two) same brands but different owners, will certainly have a negative impact not only on the original owner but also on the entire community who ultimately does not get products with official brands that are known by consumers. Based on this background, the author wants to conduct a more in-depth study regarding the Urgency of Publication in Publishing Intellectual Property in Indonesia.

## **II. Research Method**

To find the results of scientific research related to the publication of dual industrial designs in Indonesia and to answer the formulation of the problem in letter b, the researcher uses a normative legal approach (normative juridical). This normative legal research is a type of research that is often used to develop knowledge related to law or legislation (statute approach). The correlations related to the studies in this study are related to intellectual property and industrial design. The data used in this normative juridical method is secondary data. Where the data source is the central part in a study so that research can be carried out adequately and appropriately. Secondary data sources come from primary legal materials, secondary legal materials, and tertiary legal materials.

Furthermore, the primary legal materials the researcher uses include Law Number 31 of 2000 concerning Industrial Design and Law Number 20 of 2016 concerning Marks and Geographical Indications. About secondary legal materials, researchers use legal opinions derived from books, newspapers, research results, and journals that are directly related to the research. Tertiary Legal Materials consist of sources originating from the internet media. Techniques library research on the provisions of laws and regulations as well as literature that has a direct relationship with intellectual property and industrial design and legal books. Provisions of articles that are directly related to the subject matter in this study.

## **III. Discussion**

### **Publishing System of Industrial Designs and Trademarks in Indonesia**

As a country based on law and Pancasila, the Government has determined that every activity carried out by the community must comply with the applicable provisions stipulated by the State. This can be interpreted that no one can act freely according to personal will. Likewise, intellectual property that comes from creativity, taste, and abilities

that come from the human mind, which we usually know as "intellectual property" or intellectual property rights in foreign languages. Currently, the term Intellectual Property or from now on abbreviated as "KI" is a right that originates from the results of human intellectual activities with economic benefits. Although it is obtained from the results of thought, if it does not have economic value, it cannot be categorized as KI, where KI is obtained with the sacrifice of energy, time, and cost. Sacrifice or effort can produce economic values that can be felt by everyone. So there needs to be an appreciation for IP actors who have contributed to all sectors of community life. Arrangements for the implementation of IP have been regulated in Law Number 7 of 1994 concerning Ratification of the Agreement Establishing The World Trade Organization (WTO). So judging from the source, IP can be categorized as one of the rights of the human person (human rights).

The creations in the intellectual property field include inventions or findings, works of art and literature, symbols, names, images, and designs used in trade. As a private right, IP is a private or private right where the inventor or creator of the IP has the right and freedom to register the resulting IP. To distinguish the creator or inventor of an IP, the Government stipulates that everyone who registers IP, including industrial designs, for the first time to the State as the exclusive right holder. This is aimed at appreciating or appreciating every existing copyrighted work; besides that, the award is intended to increase creativity and attract public interest to continue to develop IP.

In connection with the case of the similarity of the design of the food packaging industry "GEPREK BENSU" with the owner's Benny Sudjono and Ruben Onsu, when examined from the official registration of the two trademarks, it turns out that they have been officially recorded in state documents, through the Director General of IP. There are similarities, in essence, namely, the design and logo of the "Geprek Bensus" brand are considered to have tarnished the exclusive rights of Benny Sudjono, who then asked the Government to cancel the Ruben Onsu brand and industrial design which had been determined by the Director General of IP. The development of IPR is determined through a healthy market mechanism. It is directed at advancing the community so that IPR recognizes certain restrictions to protect the community's interests. The IPR system encourages the existence of a sound documentation system so that it can prevent the emergence of similar creations or findings. Through good IPR documentation, individuals in society are always encouraged to be creative and innovative to produce unique and new intellectual works for the progress of the nation and human civilization. The essence of IPR itself is based on a fundamental view where intellectual works produced by humans, in the manufacturing process, require a particular skill or expertise as well as tenacity and, of course, require a lot of effort and sacrifice. Ownership of rights to intellectual creations is very abstract compared to the rights of ownership of visible objects, but these rights are close to object rights; after all, both rights are absolute.

Furthermore, there is an analogy that after the intangible thing comes out of the human mind, it becomes incarnated in literary creation, science, art, or in the form of opinion. So, the tangible (*lichamelijke zaak* which in its use (exploitation)) and reproduction can be a source of profit. This justifies the classification of these rights in the existing property law. According to Pratiwi (2020) in social life, law and society are two interrelated things that can never be separated. Through instruments, unlawful behavior is prevented and repressive measures are pursued (Tumanggor, 2019). From the aforementioned provisions, it proves the existence of new developments regulated in this Law (Purba, 2019).

The definition of Intellectual Property Rights, according to experts, including Syafrinaldi, Fahmi, and M. Abdi Almaktsur, argues that "Intellectual Property Rights are rights that arise from the results of human thought, which produce a product or process that is useful for humans." According to Is Hariyani, Intellectual Property Rights (Haki) or Intellectual Property Rights are exclusive (unique) legal rights owned by creators/inventors due to unique and new intellectual and creative activities. Furthermore, Muhammad Djumhana & R. Djubaedillah defines IPR as rights derived from human creative activities that are expressed to the general public in various forms, which have benefits and help support human life, as well as having economic value. Furthermore, A. Zen Umar Purba defines that IPR is an asset that legally creates rights and obligations for its owner, as well as other assets, such as land with certificates, and ownership of movable objects, attached to the owner. For this reason, a registration process is needed to obtain a certificate of ownership from the state. Awareness that intellectual work is an intangible object that can be used as an asset is the key to the problem. Then with the element of ownership, it is hoped that it can foster business creativity. Other opinions according to OK. Saidin that, IPR is a material right, the right to something that comes from the work of the brain, the work of ratios. The result of the work of the human reasoning ratio is in the form of immaterial objects and intangible objects. Sudargo Gautama argued, "Intellectual Property Rights or intellectual property rights are rights owned by someone from the creations and innovations that arise. This is the most critical essence of intellectual property rights. Creations which are human creations and innovations can be divided into the field of art (art), the industrial field, or the field of science; perhaps a combination of these three fields is created, the parts of which have specific terms.

Furthermore, IPR is an acknowledgment and appreciation of a person or legal entity for the invention or creation of their intellectual work by granting them special rights, both social and economic. Objects regulated in intellectual property are works that arise or are born because of human intellectual abilities. If other people are allowed to use a work freely, the benefits of the work will only be enjoyed by others, while the owner will not get anything comparable.

“There are 4 (four) basic principles in the IPR system to balance individual interests with the interests of society:

a. The principle of justice:

Investors have the right to receive material and immaterial rewards for their work based on their intellectual abilities.

b. Economic principles:

Intellectual Property Rights which are expressed in various forms to the public, have economic benefits and values that are beneficial to human life.

c. Principles of Culture: The development of science, art, and literature has tremendous significance for improving the standard of living, civilization, and human dignity.

d. Social Principles:

Law functions to balance the interests of the individual and the community, especially in a globalized world where all human communities in all parts of the world are one society. Understanding IPR is a fundamental thing needed by all parties interested in utilizing and developing IPR for business activities—moreover, utilizing and developing IPR to increase the value of business productivity. IPR means protecting the casting of ideas and ideas that have been realized in real terms, where the casting of these ideas has implications for the emergence of economic value on the results of casting ideas and ideas.

Intellectual property rights are rights derived from the results of human intellectual activities that have economic benefits. The conception of intellectual property rights is

based on the idea that intellectual works that have been produced by humans require the sacrifice of energy, time, and money. This sacrifice makes the work produced have economic value because of the benefits that can be enjoyed. This encourages the need for awards for results in the form of legal protection. Intellectual Property Rights is a translation of Intellectual Property Rights (IPR), as regulated in Law no. 7 of 1994 concerning the ratification of the WTO (Agreement Establishing The World Trade Organization), which means the right to property from human intellectual abilities, which are related to the rights of a person personally (human rights). The World Intellectual Property Organization (WIPO) states this as a creation of thought human rights, which include inventions, literary and artistic works, symbols, names, images, and designs used in trade.

In general, IPR ownership can be grouped into two parts, namely

- a. wholly owned by an individual or group of individuals with or without applying to the State to obtain a monopoly right on economic exploitation.
- b. collaborative/group intellectual property ownership, which is an intellectual right that is wholly owned by a group of people who live in a place permanently. Personal rights and rights Communal has principles that are the difference between the two.

Based on the description above, it can be studied that the principles stated above, basically personal intellectual property rights, are the rights of individuals or legal entities whose profits from their work are individual and arranged in writing and systematically, and emphasize more the business aspect and have the potential to be developed. In contrast, communal intellectual rights emphasize more on religious and cultural facilities. They are tough to develop. They can conflict with values because they are the rights of indigenous peoples, which are common property arranged, protected, and maintained by tradition.

"Furthermore, with regard to industrial design disputes and the Geprek Benu trademark, it is necessary to know the definition of dispute and dispute resolution. The two words are close in meaning to each other, according to the Big Indonesian Dictionary or KBBI, Disputes are anything that causes differences of opinion, disputes, and disputes. Meanwhile, conflict is a dispute or dispute. A conflict will not develop into a dispute if the injured party only harbors feelings of dissatisfaction or concern. A conflict will develop into a dispute if the party who feels aggrieved has expressed his dissatisfaction or concern, either directly or indirectly. A dispute is a conflict between two or more parties that originates from a different perception of an interest or property right which can have legal consequences for both. Disputes can happen to anyone and anywhere. Disputes can occur between individuals and individuals, between individuals and groups, between groups and groups, between companies and companies, between companies and the state, between one country and another, and so on. In other words, disputes can be public or private and can occur both locally, nationally and internationally. Disputes occur because of a situation where there is a party who feels aggrieved by the other party, which then the party conveys this dissatisfaction to the second party. If the situation shows a difference of opinion, then what is called a dispute occurs. In the context of law, especially contract law, what is meant by a dispute is a dispute that occurs between the parties due to a violation of the agreement that has been stated in a contract, either in part or in whole. In other words, there has been a default by the parties or one of the parties".

"The scope of IP violations is vast and complex following the IPR problems, which are very complex. Such conditions are increasing with the rapid development of the economy and trade, both nationally and internationally. Violation of intellectual property rights is a human action caused by the existence of a relationship with the need to get

profits with easy shortcuts. The forms of violation of intellectual property rights are in the form of counterfeiting, piracy, wiretapping, leaking of confidential information, unfair competition, participation in offering and counterfeit trading products, and so on. The occurrence of such violations is now seen as detrimental not only to the IPR owner but also to the public interest, for example, harming the fields of taxation, industry, consumers, as well as the social, legal, and economic order in general. In the context of overcoming violations of IPR through legal means, civil law, criminal law, or state administrative law can be used as complementary.

Under the provisions of the applicable trademark law, applications for trademark registration are submitted in writing to the Directorate General of Intellectual Property Rights. They are accompanied by administrative requirements as specified in Article 4 to Article 19 of Law No. 20 of 2016. All applications for trademark registration will then be processed in stages, which include: the formality (administrative) examination stage, substantive examination stage, announcement preparation stage; announcement stage; and certification stage. With the enactment of Law no. 20 of 2016 concerning Marks, there are no significant changes regarding the trademark registration process compared to the process in Law no. 20 of 2016. In addition, those who can be categorized as brands that have the same form are brands that only add words or letters in a brand. Equation of Placement Method is the similarity of the location or position of a brand with other brands. The similarity of this placement method can be in the form of placing a logo in a brand or the placement of writing or the name of a brand. The Equation of Writing Method is the similarity of the way a brand's writing is similar to that of another brand. The similarity of this way of writing often occurs in brands that are engaged in the same field, which have similar brands and the same consumers. The combination of elements is the similarity of elements or elements of a brand with other brands. In detail, Law Number 20 of 2016 concerning Marks regulates the elimination of marks, wherein the provisions of Article 16 paragraph (1) it is stated that "Removal of registration of Marks from the General Register of Marks can be carried out at the initiative of the Directorate General or at the request of the owner of the mark concerned". According to Jurnhana and R. Djubaedah, a lawsuit for the cancellation of a mark to the court can be made based on the following reasons:

1. There is a similarity in principle or in its entirety to his trademark which has been registered beforehand for similar goods or services which are included in the same class.
2. Unauthorized use of other people's brands that are considered well-known.
3. Imitation that resembles the name or abbreviation of names, flags, symbols or symbols, or symbols of countries or national or international institutions illegally (without written permission). Article 69 of the Mark Law states that a lawsuit for cancellation of a trademark registration can only be filed within a period of 5 (five) years from the date of registration of a mark. A lawsuit for cancellation may be filed indefinitely if the Mark in question is contrary to religious morality, decency, or public order. The decision of the Commercial Court which decides that a lawsuit for cancellation can only be filed with an appeal, and the Directorate General of Intellectual Property Rights carries out the cancellation of the registration of the relevant Mark and the General Register of Marks and announces it in the Official Gazette of Marks after the decision of the judiciary is received and has permanent legal force. The cancellation of the registration of a Mark is carried out by the Directorate General of Intellectual Property Rights by crossing out the relevant Mark from the General Register of Marks by noting the reason and date of the cancellation. Cancellation of registration shall be notified in writing to the mark owner or his

proxies by stating the reasons for the cancellation and confirming that as of the date of deletion from the general register of marks, the certificate of the mark concerned shall be declared no longer valid. For trademark issues, dispute resolution can be carried out, namely by way of a lawsuit for trademark infringement and in addition to settlement with a lawsuit, the parties can resolve disputes through Arbitration or Alternative Dispute Resolution.

That a brand must be used in accordance with the registered mark, there must be no discrepancy in the form of writing words or letters. Whereas therefore, the Mark Owner/Holder of Rights to Registered Marks cannot use a brand name that is not in accordance with the registered trademark name.

“The Law on Trademarks and Geographical Indications protects intellectual property rights in the areas of Marks and Geographical Indications, trademarks include trademarks and service marks. A brand is a sign that can be displayed graphically in the form of an image, logo, name, word, letter, number, color arrangement, in the form of 2 (two) dimensions and/or 3 (three) dimensions, sound, hologram, or a combination of 2 (two) dimensions. ) or more of these elements to distinguish goods and or services produced by persons or legal entities in the activities of trading goods and/or services. While Geographical Indication is a sign indicating the area of origin of an item and/or product which due to geographical environmental factors including natural factors, human factors or a combination of these two factors gives reputation, quality, and certain characteristics to the goods and/or products produced. Article 1 point 4 of the MIG Law states that the right to a mark is an exclusive right granted by the state to the owner of a registered mark for a certain period of time by using the mark himself or giving permission to other parties to use it. “Industrial Design is a creation about the shape, configuration, or composition of lines and colors, or a combination thereof in the form of three or two dimensions that gives an aesthetic impression and can be realized in three-dimensional or two-dimensional patterns and can be used to produce a product, goods or services. , industrial commodities, or handicrafts. From this understanding, the product or product is a combination of creativity and technicality in the process of designing industrial products with the aim of being able to be used by humans or users and as a result of the production of a manufacturing system. From the definition of industrial design in the Industrial Design Law, it can be seen that something is said to be an Industrial Design if it has the following elements:

- a. A creation about the shape, configuration, or composition of lines, colors, or lines and colors or a combination thereof in three-dimensional or two-dimensional;
- b. Gives an aesthetic impression
- c. Can be realized in three-dimensional or two-dimensional patterns
- d. To produce a product of goods, industrial commodities or handicrafts. Industrial Design Rights based on Article 1 Paragraph (5) of the Industrial Design Law are "exclusive rights granted by the Republic of Indonesia to designers for their creations for a certain period of time to carry out themselves, or give their approval. to other parties to exercise these rights”.

Based on the provisions of Article 1 Paragraph (5) of the Industrial Design Law, it can be concluded that the right to an Industrial Design is a special right of the owner of a registered design obtained from the state. In other words, it means that the acquisition of ownership rights to an Industrial Design is a consequence of having it registered at the Design office, in this case the Directorate General of Intellectual Property Rights. The subjects of industrial design or recipients of rights to industrial designs are:

- a. the designer or who receives such rights from the designer;

- b. designer with two or more people working together, awarded together unless otherwise agreed.

Then, the scope for the right to industrial design includes:

- a. The holder of the Industrial Design right has the exclusive right to exercise the Industrial Design Right he/she owns and to prohibit other people who without his/her consent from making, using, selling, importing, exporting, and/or distributing the goods that are granted the Industrial Design Right.
- b. The use of Industrial Designs for research and educational purposes as long as it does not harm the legitimate interests of the Industrial Design rights holders. Every Indonesian citizen has the right to get protection from the Indonesian government, including the protection of industrial design rights.

"Protection of industrial design rights, both protection of economic rights and moral rights, if given adequately will have a close correlation with increasing design creations which in the end will provide a large economic contribution, both for designers and for the state. The protection of industrial design in industrial life is a driver of a healthy industrial climate because the provisions in the field of design contain the following main elements:

- a. Fair and reasonable incentives for research and development activities, in the form of guarantees of granting inviolable rights to a new design work from a designer, accompanied by rewards of economic value if the design is used in life.
- b. Prevention of acts of design imitation and unfair competitive practices. With the existence of legal protection for industrial designs, it will reduce the abuse of rights to industrial designs themselves. Misuse of industrial design rights can occur, one of which is because in the legislation itself, especially in Article 2 of the Industrial Design Law, it is not explained that the boundaries of an industrial design can be said to be the same or not the same. However, what is clear in Indonesia is that we understand something called immaterial identical wherein a design that has a visible resemblance is very significant, even though the configuration is different, but it is considered not to meet the similarities in "not the same" in Article 2 paragraph (2) of the Industrial Design Law. Industrial Design is part of IPR in the industrial world which must be protected by a country. In Indonesia, the regulation regarding Industrial Design is regulated in the Industrial Design Law. The increasing industry in Indonesia so that there are many violations that arise in the industrial sector. One of them is in the field of industrial design, even though there are already industrial design arrangements. In the context of industrial design, a dispute can be defined as a dispute between the parties in relation to industrial design rights, which is caused by the use of industrial design rights by other parties without the permission of the rights holder. The use of industrial design rights without a permit can take the form of creating, selling, importing, exporting and distributing registered industrial designs. From this, industrial design disputes emerged, both from the civil and criminal aspects. Disputes in the field of industrial design in Indonesia are often investigated through legal channels by parties who feel they have been disadvantaged to get a resolution to the industrial design disputes they face because the aggrieved parties do not understand the mechanism for resolving disputes that arise in the design field.

"The origin of the dispute usually begins in a situation where there is a party who feels aggrieved by the other party. Usually this is preceded by feelings of dissatisfaction, subjective and closed. This incident can be experienced individually or in groups. If this continues, the aggrieved party conveys this dissatisfaction to the second party and if the second party can respond and satisfy the first party, then the conflictual relationship is



over. On the other hand, if differences of opinion continue, what is known as a dispute occurs. In a disputed situation, differences of opinion and prolonged debate usually end with the breakdown of healthy communication lines so that each party looks for a way out without thinking about the fate or interests of the other party. For an effective dispute resolution process, the prerequisite that the right to be heard by both parties is equally considered must be fulfilled. Only then can the dialogue process and search for common ground become the stage where the dispute resolution process can proceed. Without an awareness of the importance of this step, the dispute resolution process is not in its true sense. There are three main factors that influence the dispute resolution process, namely interests, rights, and power status. The disputing parties want their interests to be achieved, their rights fulfilled and their power status to be shown, utilized and maintained. In the dispute resolution process, the disputing parties will usually insist on maintaining the three factors mentioned above. Legal remedies that can be taken by the disputing parties can be classified into two parts, namely the litigation/court route and the alternative out-of-court settlement route. The litigation path in which the litigation path is divided into two types, namely the civil route and the criminal route. For the civil route, it is taken through a process of claiming compensation in the Commercial Court. As for the criminal route, the procedure is from reporting the aggrieved party to the authorized agency. The forms of IPR dispute resolution regulated in the IPR Law are through the judiciary. Although the principle of a fast and cheap trial is still used, in reality the judiciary has many obstacles in resolving disputes because the process often takes time and money. What's more, the parties to the dispute are drained of concentration in the disputes that are resolved through the litigation route. Disadvantaged people who are faced with the judicial process are faced with a steep field without sufficient legal knowledge. Therefore, forms of non-litigation dispute resolution are more desirable. Litigation Dispute Resolution The procedural law used in trials that hear cases concerning IPR is to use ordinary civil procedural law which has been used in the trial of cases in the general court environment. Thus, a common understanding of civil procedural law is needed.

The procedure for claiming disputes over trademarks and geographical indications at the Commercial Court, namely:

1. "A lawsuit is filed with the chairman of the Commercial Court in the jurisdiction where the defendant lives or domiciles, if outside the territory of the Unitary State of the Republic of Indonesia, the lawsuit is filed with the Head of the Central Jakarta Commercial Court.
2. The clerk of the court registers the lawsuit on the date the lawsuit is filed and the plaintiff is given a written receipt signed by the clerk on the same date as the date of registration of the lawsuit.
3. The Registrar submits the lawsuit to the chairman of the Commercial Court within a maximum period of 2 days from the date the lawsuit is registered.
4. Within a maximum period of 3 days from the date the lawsuit is submitted, the chairman of the Commercial Court studies the lawsuit and appoints a panel of judges to determine the day of the trial.
5. Summons of the parties shall be made by the bailiff no later than 7 days after the lawsuit is registered.
6. The examination session until the decision on the lawsuit as must be completed no later than 90 days after the case is received by the panel that examines the case and can be extended for a maximum of 30 days with the approval of the Chief Justice of the Supreme Court.

7. A decision on a lawsuit that contains in full the legal considerations underlying the decision must be pronounced in a trial open to the public.
8. The contents of the decision of the Commercial Court must be submitted by the bailiff to the parties at the latest 14 days after the decision on the lawsuit is pronounced. The decision of the Commercial Court in disputes over trademarks and geographical indications can only be appealed to. The application for cassation shall be submitted no later than 14 days after the date on which the decision for which cassation is requested is pronounced or notified to the parties by registering with the clerk at the Commercial Court who has decided the lawsuit. The examination hearing and the decision on the cassation application must be completed no later than 90 days after the date the cassation application is received by the Cassation Council in a session open to the public.

## V. Conclusion

- a. The issuance of industrial designs and trademarks, in this case Geprek, which is owned by Benny Sudjono and Ruben Onsu which is registered with the Directorate General of Intellectual Property of the Ministry of Law and Human Rights, is in line with the mandate of Law Number 20 of 2016, where the application for trademarks and industrial designs has met the requirements administrative and through substantive examination so that both have legal force.
- b. The right solution so that industrial designs and trademarks in Indonesia are not issued double, namely in every submission or application for registration of trademarks and industrial designs by the applicant, the Government should make an announcement of the registration by the applicant for a long time and conduct testing by announcing it in every provinces in Indonesia, so that no one will object to the similarity of brands and industrial designs in essence.

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