

Role of Trademark in Improving Legal and Competitive Awareness

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ABSTRACT

There are a lot of traditional food producers in Brebes Regency but they have not been managed well. Many obstacles were experienced by these MSMEs producers, including the problem of the ignorance of trademark registration, and the mindset and motivation that need to be addressed. The purpose of this study was to determine the level of knowledge of traditional food producers on trademarks and the motivation of traditional food producers in Brebes Regency for trademark registration in an effort to increase their legal awareness and competitive awareness. The research method used was empirical juridical research that emphasizes secondary data balanced by primary data as a support. The results show that the knowledge level of the traditional food producers in Brebes Regency towards trademarks was still low, and it needs to be improved with various socialization on trademark manufacturing, trademark registration, and branding assistance. The mindset and motivation of Brebes Regency traditional food producers towards trademark registration in an effort to increase legal awareness and competitive awareness is still low, so it needs to be improved and addressed. In addition, it is also necessary to be accompanied continuously by the stakeholders; in this case, the producer organization (MSMEs Forum) and related agencies in the area.

Keywords: Knowledge; Motivation; Trademark; Legal Awareness; Competitive Awareness.

ABSTRAK

Produsen makanan tradisional di Kabupaten Brebes sangat banyak namun belum dikelola dengan baik. Banyak kendala dialami oleh para produsen UMKM ini, di antaranya masalah ketidaktahuan pendaftaran merek dagang, mindset dan motivasi yang perlu dibenahi. Tujuan penelitian ini untuk mengetahui tingkat pengetahuan produsen makanan tradisional terhadap merek dagang dan motivasi produsen makanan tradisional Kabupaten Brebes terhadap pendaftaran merek dalam upaya meningkatkan legal awareness dan competitive awareness. Metode penelitian yang digunakan yaitu yuridis empiris yang menekankan pada data primer dari lapangan. Hasil penelitian menunjukkan bahwa, tingkat pengetahuan produsen makanan tradisional Kabupaten Brebes terhadap merek dagang masih rendah, perlu ditingkatkan dengan pelbagai sosialisasi pembuatan merek dagang, pendaftaran merek dagang, dan pendampingan branding. Mindset dan motivasi produsen makanan tradisional Kabupaten Brebes terhadap pendaftaran merek dalam upaya meningkatkan legal awareness dan competitive awareness masih rendah, sehingga perlu ditingkatkan dan dibenahi. Selain itu, perlu juga didampingi secara terus menerus oleh stakeholders dalam hal ini organisasi produsen (Forum UMKM) dan Dinas terkait di daerah.

Kata kunci: Pengetahuan; Motivasi; Merek Gagang; Legal Awareness; Competitive Awareness.

A. INTRODUCTION

According to Law number 20 of 2016 concerning Trademarks and Geographical Indications, article 1 paragraph (1), it states that a mark is a sign that can be displayed graphically in the form of images, logos, names, words, letters, numbers, colors, in the form of 2 (two) dimensions and / or 3 (three) dimensions, sound, hologram, or a combination of 2 (two) or more of these elements to distinguish goods and / or services produced by persons or legal entities in trading activities of goods and / or services.

Meanwhile, Article 1 paragraph (2) explains that a trademark is a brand used on goods traded by a person or several people jointly or a legal entity to differentiate from other similar goods.

Based on the constitutive system adopted by the Trademark Law, "Trademarks must also be registered when they want to get legal protection. In the application process, the requirements that must be fulfilled by a trademark in order to be registered are as follows. 1) Having distinguishing features, 2) it is a sign of goods or services, 3) it does not conflict with religious morality, decency and public order, 4) it is not public property, 5) it does not constitute information or relates to the goods or services for which registration is requested, and 6) it does not violate registered geographical indications."

In Indonesia, there is a 1961 Trademark Law that replaces the *Industriële Eigendom Kolonien* the State Gazette of 1912 number 545 in conjunction with the State Gazette of 1913 number 214. In the

next development in 1992, a new Trademark Law was born which was then revised in 1997, adjusted to the TRIPs in 2001, and then the latest it is Law number 20 of 2016 concerning Brand and Geographical Indications.

Brebes has the potential as an investment destination for manufacturing companies, but it has not been maximally utilized. The opportunity to attract investors to open a factory in Brebes is actually open, but there has not been a maximum effort from the Regional Government and relevant parties in an effort to provide investment and business ease in Brebes. Even today there has not been any real effort in promoting Brebes Regency as a region for profitable investment, even though 1) Brebes is crossed by a national trans road (Trans Java Toll Road and Northern Coast Road) so that the travel time to and from Jakarta is relatively affordable (short) \pm 5 hours, 2) Infrastructure in the form of adequate provincial or district roads connected to national roads, 3) adequate quality and quantity of human resources (HR), 4) relatively cheap labor costs, and 5) availability of adequate land (Kasein, 2017).

The next problem is that there are a lot of traditional food producers in Brebes Regency, but they are not well managed. Recently, the MSME Forum has been established and notarized at the expense of the producers independently. Several organizations and institutions have tried to establish cooperation such as Banks and Bukalapak, but it still needs to be maximized.

There are also many problems faced by producers. For example, Mrs. Komarudin (2018), the owner of HTM salted egg, stated that she has already had a community or association and is eager to get a patent (meaning geographical indication-after author's clarification) or the other intellectual property rights that they might be able to obtain in order to further promote and increase the behavior of her products, but there was no party to accompany her so that she experienced difficulties.

Local government and the relevant institutions, such as the Department of Industry, Trade, Cooperatives, and MSMEs and the creative economy have not been able to provide assistance in strengthening healthy business conditions. Likewise, the relevant parties, such as IPR consultants and universities, have not jointly provided academic assistance to fill each other's shortcomings so that they can synergize and build solid platforms for product growth that has the potential to penetrate the market and develop the producers to be more empowered.

Problems are also experienced by several MSMEs as those conveyed by Amelia (2018), an MSME assistant who were also a staff of the Brebes Regency MSME Forum. The number of traditional food producers reached thousands, but they were still home industries and have not been touched by technology and optimal government intervention. Some have been fostered by the Department of Cooperatives and MSMEs, around 700 MSMEs.

Likewise, a problem was raised by the Chair of the MSME Forum, Sobirin (2018), who stated that developing Brebes MSME is like guarding a buffalo; when pushed from behind it will only move, when flogged it only moves a little (ngulet) and does not go forward. All efforts are needed both from the front (incentives/ stimulants), as well as supportive motivation and facilitation related to the sustainability of production and marketing. Until now, there is only one person who has already had a registered brand with indendent expenses, and the others are waiting for facilitation from the government institution. They are in groups but still maintain healthy competition.

Based on preliminary observations, it was found that: 1) Limbangan Village, a Salted Egg Center, had the awareness of intense competition in the market, but they did not have the awareness that the products produced must be of high quality, protected by the brand and strived to become well-known brands so that they can survive and even rival other products; 2) the traditional food producers were scattered throughout the Brebes Regency. Some have been fostered by relevant institutions, but the majority are not. Therefore, they have not been handled properly, and they did not understand management, intellectual property, and understand how to live in business competition and contracts/ transactions.

The formulations of the problem that can be raised are: (1) What is the knowledge level of the traditional food producers in Brebes Regency towards trademarks? (2) how is the role of brand in

providing legal certainty and the use of brand in the business world in an effort to increase legal and competitive awareness?

Theoretically, according to Purwaningsih (2014), brand "can be used by producers or brand owners to protect their products in the form of services or other merchandise. So a brand has the following functions: 1) The distinguishing function, which is differentiating one company's product from another company's product, 2) The reputation assurance function, which is in addition to being a sign of the origin of the product, also personally connects the reputation of the branded product with its manufacturer, as well as providing quality assurance of the product the. 3) The promotion function, that is, the brand is also used as a means of introducing new products and maintaining the reputation of old traded products, as well as to dominate the market. 4) The function of investment stimulation and industrial growth ie the brand can support industrial growth through both foreign and domestic investment in the face of free market mechanisms. "

The first British brand regulation was the result of adoption from France in 1857, and then made a separate regulation namely the Merchandise Act of 1862 based on criminal law. In 1883 the Paris Convention on industrial property rights (patents and trademarks) was ratified by many developed and developing countries. Then, in 1973, the Madrid agreement was born as an international agreement called the Trademark Registration Treaty.

According to Lukito (2018), in order to provide legal certainty on the use of the mark, in addition to the application of appropriate regulations, it also needs to be accompanied by law enforcement. Law enforcement factors consist of: 1) the legal factors themselves, 2) the law enforcement factors, 3) the law enforcement facilities and facilities, 4) the community factors, and 5) the cultural factors.

According to Apriansyah (2018), the essence of law enforcement is also a measure of the effectiveness of law enforcement. In addition, that the use of brands in the business world should use good faith, because the brand can be the object of agreement, for example in a franchise because it uses the trademark licensing rights. Trademark registration must also be carried out in good faith. This good faith is very important in trademark law because it deals with business competition and brand owner reputation. Agreements in the business world must be carried out in good faith in accordance with Article 1338 paragraph 3 of the Civil Code, the norm of which is one of the most important joints of contract law. "

According to Sudjana (2018), "The owner of a registered mark may submit a claim to the Commercial Court against another party who without the right to use a trademark that has similarities in principle or in whole for similar goods or services in the form of a claim for compensation and / or termination of all acts related with the use of these brands. Claims for compensation and / or termination of acts related to the unauthorized use of the mark

are indeed reasonable, because such actions are detrimental to the legal trademark owner. Not only direct economic loss, but can also damage the brand's image if goods or services that use the brand without rights are of lower quality than goods or services that use the brand legally. "

According to Pranata & Pramudan (2018), brand awareness is an awareness of a brand so that it has the possibility to be reliable, and its quality can be accounted for. Consumers who are sure of the quality of certain brands will have a significant and positive influence on purchase intentions.

Brand Awareness is the first step to building a brand on a product. Brand awareness is also the ability of a brand to emerge in the minds of consumers when they are thinking of certain product categories and how easily the name is raised (Herdana, 2015)

According to Bethlehn & Samosir (2018), they state that competitiveness awareness then SMEs must register their brands so able to compete in the global market.

Mirfa (2016) concludes that, "The brand also reflects the level of consumer confidence in goods and / or services. Products with well-known brands are more easily marketed so they bring in profits. Legal protection of trademark rights is needed because (1) to guarantee legal certainty for brand inventors, brand owners or holders, (2) to prevent violations and crimes of trademark rights and (3) provide benefits to the general public to be more motivated to register brand."

The results of the study of Purwaningsih (2019) explain, "An important thing in trademark law is the protection of well-known brands. Registered trademarks registered in many countries, used continuously, promoted aggressively, will give birth to brand reputation. The brand became famous. Reputable brands certainly bring high selling points to the product (brand) and the manufacturer. Business competition can certainly be breached by the fame of the brand and its strategy branding, in order to dominate the market. Economic interest in well-known brands is recognized in the international treaty of WIPO treaty, which is also regulated later by the countries of America, Australia, Britain and Indonesia. The specific characteristics of well-known brands are that the reputation of the brand name is not limited to certain products or certain types, for example Marlboro which is not only used as a cigarette product but also used on clothing; Panther is not only for vehicle types but also beverage products. Then, protection is given in the general usage relationship and not only in relation to the type of goods in which the brand is registered. " It was further explained that, "Delict in Indonesian brand law is a complaint offense, which is also used by other countries in general. Aside from litigation, non-litigation can also be taken, namely the Alternative Dispute Resolution. Provisional judgments can also be made to prevent the entry of goods relating to violations of trademark rights and the storage of evidence relating to the violation of the mark "

Related to the economic context in contract law, Baker & Zhou (2015) explain that, " There are two general questions that the law and economics of contract or the economic analysis of contract law aim to answer. The first one is a positive question namely is the existing contract law efficient? The second question is a normative one, namely how can the law of contract be designed to pursue the economic efficiency? From an economic perspective, a contract is viewed as a device for resource allocation. "

Intellectual Property is an asset. According to Sukmadewi (2017), a brand is able to protect MSMEs and is able to increase consumer confidence, so that there is consumer interest in the products produced. Similarly, according to Barnes, Dworkin & Richards (2012) "there are intangible and tangible properties. Tangible property has a physical existence; property that has no physical existence is called intangible property: patents rights, easements, and bonds are examples of tangible property. "

The results of the study of Purwaningsih, et al. (2018) state that, "The number of MSMEs in Indonesia is very large, almost 90% of business operators in Indonesia are MSMEs. The problem is not only about the sustainability of production, but also business entities, hygiene standards, competition, facilities and access to technology, and brand protection. "

Logan (2014) explains that, "the markets are in the constant flux, always changing and evolving, so traders must adjust to those market shifts in order to maintain an edge. One of the challenging, yet

stimulating, things about this business is that you'll always be learning. "

Sarianti (2014) explains that "Geographical indications use the name of the place or area of origin of the product and characterize the area as the principle of the Origin Indicator being protected as a sign and the Origin Indicator is protected as a sign indicating the area of origin of an item, which is because geographical environmental factors, including natural factors, human factors, or a combination of the two factors, give certain characteristics and qualities to the goods produced, but are not registered or merely indicate the origin of goods or services. "

Tomasic & Wolff (2014) explain that "Economic decentering has not yet brought with it effective discursive decentering, at least not in our understanding of the intersection of business and law."

Regarding goodwill and the role of brand, Dornis (2017) describes that, "The common core of protective purposes in trademark and unfair competition law is information economization."

Sukmadewi (2017) explains that trademark registration can be done for the collective mark of the association, so that those who have been registered can be used together by the association.

The results of the study of Sarianti (2014) state that, geographical indications are very important to obtain in order to protect a product that indicates an area.

The view of Sukmawati (2018), related to the brand, explains that, "With the brand in distinguishing its products from other people's similar products, and being able to show the origin of goods, quality, thus affecting consumer interest"

There is a gap or gaps between *das sein* or the provisions of the Act, the principles, the principles and doctrines of law applicable to the realities that exist in SMEs Brebes.

According to the Government Regulation No. 45 of 2016 concerning Brand PNB for SME is relatively affordable, only IDR. 500 thousand (electronically) and IDR 600 thousand per class manually. The reality, for beginner entrepreneurs is quite burdensome, because they pursue behavior first and survive in trading.

It was further explained that, "Brands have also been used for a long time to mark products with the aim of showing the origin of goods, Likewise brands have an increasingly important role in distinguishing the origin of goods and their quality and to avoid imitation." However, the brands used by the majority of MSMEs in Brebes have not been able to provide legal protection, for products produced because they have not been registered.

The *Das Solen* as described above, is very much different from the *das sein* in the field, where the awareness of MSMEs to register their brands is very low, because besides they do not know the procedures, also because of the costs that must be incurred both for trademark registration, and for costs

transportation and accommodation during the maintenance process.

It is explicitly stated in UUMIG that, "An application for registration of a mark is rejected if the mark: (a) has the same principal or in whole with a trademark owned by another party that has already been registered for similar goods / or services; (b) has similarity in principle or in whole with a well-known trademark of another party for similar goods and / or services and (c) has similarity in principle or in whole with known geographical indications; (d) constitutes 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 entitled person; (e) is an imitation or resembles the name or abbreviation of the name, flag, symbol or symbol or emblem of the state or national or international institution, except with the written consent of the competent authority; (f) is an imitation or resembles an official mark or seal or stamp used by the state or government agency, except with the written consent of the competent authority. "

Reality in the field (*das seinnya*), shows that the majority of brands owned by MSMEs imitate the existing brands, which are only slightly differentiated but are still the same in substance.

State of the art research refers to previous studies that have found several conclusions, such as (Aggarwal, Singh, & Prashar, 2014) which conclude that the IG Act enacted in India aims to improve the commercial prospects of output produced by entities

based on geographical boundaries certain but not as expected. IG products still face challenges from poor awareness and threats to the original product. Likewise, trademarks are adequately promoted and protected by ensuring visibility through the logo. This is done compulsorily under a GI grant.

The research conducted by (Aggarwal, Singh, & Prashar, 2014) is different from this research, because it is a qualitative research based on primary and secondary information sources. Secondary sources comprise the statutory provisions of the two main laws on GIs and trademarks as well as, news articles available in trade academic journals and information generated from the Government of India website. The main research involves face-to-face interaction with advocacy practitioners and selected GI holders. The data was selected by looking at the effectiveness of the application, enforcement, monitoring, marketing and GI and trademark legal issues in India. While this research is more focused on efforts to increase awareness and participation of SMEs to protect brands for products produced in order to win trade competition

The research of Syapsan (2019) concludes that service quality and innovation affect the competitive advantage and sustainable economic growth. The research together discussed competition strategy in trading, but the pressure was different. The research of Syapsan (2019) emphasizes the important role of innovation, while this research emphasizes more registered brands. Thus the results of this study are different from this study that has

been conducted by Syapsan (2019) considering that this research emphasizes the legal protection of MSME products through trademark registration in order to increase awareness of legal protection and awareness of winning competition in trade.

The results of the study of Sudarwati & Satya (2013) conclude that, the problem most felt by MSMEs was Branding. They have no competitive advantage, because they are not registered brands, so they cannot compete in the global market. The research conducted by Sudarwati & Satya (2013) is more descriptive in nature, because it only utilized literature and did not go down to MSMEs at all, so it was more juridical and normative. This research involved the MSME associations in Brebes with an empirical juridical approach. Until the practice of registering trademarks owned by 100 MSMEs, the results of the study of Rosiah, Hakim & Mukminin (2018) conclude that the strategy brand awareness for SME products could be used for business development. In addition, the role of brand management and organizational management are internal and external factors that can increase brand awareness. The research of Rosiah, Hakim, & Mukminin (2018) is different from this research because the research was only conducted on one SME, while this study was conducted on the SME association in Brebes. The method used by the research is qualitative, while this research used data collection method and in-depth interviews.

The research conducted by Bethlehn & Samosir (2018) conclude that MSME industry players

in Indonesia have not registered their trademark due to limited capital and lack of understanding of the benefits of trademark registration.

The research of Bethlehn & Samosir (2018) was very different from this research, because the research was more macro in nature and more literary in nature, because it did not examine MSMEs or existing MSME associations. Their research used normative juridical research methods, while this research was empirical juridical, by examining MSMEs that are incorporated in the Guyup Pillars Association of Guyup Rukun Saklawase in Brebes.

The results of research conducted by Kadarudin & Munzir (2014) conclude that, despite the company of Key Coffee inc. in Japan has registered Toraja coffee as a trademark in Japan, but because it mentions the Toraja indication and includes a picture of the Toraja traditional house it violates article 22 paragraph (2) so that MPIG Toraja Arabica Coffee could have protested against it through the WTO, as well as the Toraja community in this matter the Regional Government could make an effort to register the Toraja Coffee product as an indication product from the

The research conducted by Kadarudin & Munzir (2014) was different from this research because the research is more towards normative juridical, by looking at various national and international scale regulations to see various violations committed by the company Key Coffee Inc. against TRIPs, and the opportunity of the Regional Government together with the Toraja coffee farming

community to register IG Kopi Toraja to the Republic of Indonesia Ministry of Law and Human Rights. Meanwhile, this research is more focused on efforts to understand the awareness and motivation of MSMEs in providing legal protection for their products through brand registration in order to increase legal awareness and competitive awareness.

This novel research lied in the empirical juridical approach, by involving MSMEs that are members of the Guyup Rukun Saklawase Association in Brebes, as well as the direct practice of registering Trademarks to all brands owned by MSME actors, in order to increase legal awareness and awareness to win a trade competition.

Meanwhile, most of the studies conducted so far on brands and IGs is from a legal perspective. Therefore, it is very possible that this research is the first work on a theme that takes an empirical juridical approach that continues on cross-functional (theoretical and practical) in the form of increasing awareness and active participation in the form of increasing the ability to register brands and trying to explore the dimensions of IT utilization in the marketing process to a concept that is considered only under the economic domain, but actually making e-commerce for all members of the MSME Association is a separate form in the form of Copyright in the form of anshop online. This research also tries to adopt the best from previous research in terms of raising awareness of the importance of legal protection in the form of brands and strategies to win the competition.

B. RESEARCH METHOD

In terms of the methodology-juridical this research can be categorized as an empirical legal research that emphasizes data collection from the field. The data from the field was obtained through survey method in the form of instrument dissemination and in depth interviews using statute, sociological, and historical approach. Practically, this study also invites SMEs to be directly involved in registering their marks, as well as the construction of on-line shop websites for all MSMEs incorporated in the Association of Guyup Rukun Saklawase

The MSMEs in Brebes are incorporated in the Association of Guyup Rukun Saklawase. Their knowledge of trademark registration and geographical indications averaged 2.7 in the sense that they understood enough. Table 1 also explains that, "The number of the MSMEs who said that they did not understand was 1 person; the respondents who answered that they did not understand were 9 people; th respondents who answered quite understood were 2 people; the respondent who answered understood was 1 person, and there was no one thoe who answered highly understood". For more details, see table 1 point no. 1 below.

C. RESULTS AND DISCUSSION

1. Knowledge Level of Traditional Food Producers in Brebes Regency on Trademark

Table 1. the Research Results of points No.1-6

Description	No 1		No 2		No 3		No 4		No 5		No 6	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Very poor understanding	1	5.3	2	10.5	7	36.8	1	5.3	0	0.0	0	0
Poor understanding	9	47.4	9	47.4	4	21.1	9	47.4	6	31.6	0	0
Fairly Understanding	2	10.5	4	21.1	7	36.8	3	15.8	3	15.8	3	15.8
Understanding	7	36.8	4	21.1	1	5.3	5	26.3	8	42.1	11	57.9
Very Good Understanding	0	0	0	0	7	36.8	1	5.3	2	10.5	5	26.3
Total	19	100	19	100	19	100	19	100	19	100	19	100

Table 1 point no 2 shows that, "MSMEs' understanding of brand differences and geographical indications averaged 2.5 in terms of I understand enough. The number of MSMEs who answered that they did not understand very much was 2 people; the respondents who answered that they did not

understand were 9 people, those who answered that they fairly understood were 4 people, and those who answered that they understood were 4 people, and no one answered very well understood. "

Based on table 1 point no 3 it can be seen that, "The understanding of the MSMEs on

management and marketing strategies for branding producton in average gets a score of 3.1 in the sense that it is sufficiently understood. The number of the MSMEs who answered they they poorly understood was 7 people, those who answered that they did not understand were 4 people, those who answered that they fairly understood were 4 people, those who answered that they understood were 7 people understood, and those who answered that they highly understood were 1 person. "

Based on table 1 point number 4. it can be seen that, "The understanding of the MSMEs regarding the legislation relating to marketing authorization and SIUP on average gets a score of 2.7 in the sense that it is sufficiently understood. The number of the MSMEs who who answered that they did not understand very much was 1 person, those who answered that they did not understand were 9 people, those who answered that they fairly understood were 3 people, and those who answered that they understood were 5 people, and 1 person answered very much understood. "

Based on table 1 item number it can be seen that, "The understanding of the MSMEs on the importance of the status of business and legal entities averaging a score of 3.3 in the sense that it is sufficiently understood. The number of the MSMEs who answered that they did not understand was 6 people, those who answered that they fairly understood were 3 people, those who answered that they understood were 8 people, and those who answered that they highly understood were 2 people.

Based on Table 1 point number 6, it can be seen that, the understanding of SMEs on the importance of halal on average gets a score of 4.1 in the sense that they highly understand. The number of the MSMEs who answered that they understood well was 3 people, those who answered that they understood were 11 people, and those who answered that they highly understood were 5 people.

In terms of regulations relating to the brand, actually it has been very easy for MSMEs. However, because their knowledge is very limited, it is necessary to provide assistance from associations, local governments and universities. Their knowledge on the benefits of trademarks in providing protection through trademark registration is still very low so that in the future it is necessary to programmatically and continuously socialize.

The role of universities is to disseminate information on the important role of legal protection through trademarks, assisting in the process of selecting names so as not to be rejected or so that it is not the same in principle as the existing ones, assistance in filling out forms that must be filled in and preparation of attachments that must be included, assistance in the registration process, providing assistance with registration fees, and increasing MSME motivation in trademark registration process.

2. The Role of Brands in Providing Legal

Certainty and the Use of Trademarks in the Business World

Based on the results of data retrieval, it can be seen that, "The understanding of the MSMEs on the importance of product quality and reputation has an average rating of 4.0 in the sense of understanding. The number of the MSMEs who answered that they did not understand was 2 people, those who

answered that they fairly understood were 1 person, those who answered that they understood were 11 people, and those who answered that they highly understood were 5 people. " For more details, see table 2 point no.7.

Table 2. Results of the importance of items number 7-13

Description	No. 7		No 8		No 9		No 10		No 11		No 12		No 13	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Very poor understanding	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Poor understanding	2	10.5	0	0	8	42.1	8	42.1	7	36.8	6	31.6	8	42.1
Fairly Understanding	1	5.3	3	15.8	4	21.1	4	21.1	5	26.3	7	36.8	4	21.1
Understand	11	57.9	12	63.2	6	31.6	6	31.6	5	26.3	4	21.1	6	31.6
Very Good Understanding	5	26.3	4	21.1	1	5.3	1	5.3	2	10.5	2	10.5	1	5.3
Total	19	100	19	100	19	100	19	100	19	100	19	100	19	100

Source: Results of data analysis, 2018

Based on the results of data collection it is known that, "The understanding of MSME actors on the importance of design on average gets a score of 4.0 in the sense of already understanding. The number of the MSMEs who answered those who answered that they fairly understood were 3 people, those who answered that they understood were 12 people, and those who answered that they highly understood were 4 people. " See table 2 point no. 8.

Table 2 No. 9 is the result of data collection known that, "The understanding of the MSMEs on information and electronic transactions (ITE) and e-commerce averaged a score of 3.0 in the sense that they have fairly understood. The number of the MSMEs who answered that they did not understand

were 8 people, those who answered that they fairly understood were 4 people, those who answered that they understood were 6 people, and those who answered that they highly understood was 1 person. " See table 2 point no. 9.

Table 2 No. 10 is the result of taking data related to the understanding of the MSMEs on how to wisely use the Social Media and transact online so that it is protected by law. It is known that, "On average, it scores 3.0 in the sense that it is sufficiently understood. The number of the MSMEs who answered that they did not understand were 8 people, those who answered that they fairly understood were 4 people, those who answered that they understood were 6 people, and those who

answered that they highly understood were 1 person.
" To be clearer you can see the table

Table 2 No. 11 is the result of data retrieval related to the understanding of the MSMEs on the importance of cooperation links with related agencies and its role can be understood that, "On average, it gets a score of 3.1 in the sense that it is sufficiently understood. The number of SMEs who answered that they did not understand was 7 people, those who answered that they fairly understood were 5 people, those who answered that they understood were 5 people, and those who answered that they highly understood were 2 people. "

Table 2 No. 12 is the result of taking data on the understanding of the MSMEs on the existence of positive and negative factors in the use of ITE that might impact business constraints. It can be seen that, "On average, it gets a score of 3.1 in the sense that it already understands enough. The number of the MSMEs who answered that they did not understand was 6 people, those who answered that they fairly understood were 7 people, those who answered that they understood were 4 people, and those who answered that they highly understood were 2 people. "

Based on table 2 point no. 13 it is known that, "The understanding of the MSMEs on marketing management and business competition on average gets a score of 3.0 in the sense that it is sufficiently understood. The number of the MSMEs who answered that they did not understand were 8 people, those who answered that they fairly

understood were 4 people, those who answered that they understood were 6 people, and those who answered that they highly understood were 1 person."

Based on the results of the questionnaires and field observations since the UPT research in 1-2 years until this report was made, it is known that the level of knowledge of the traditional food producers in Brebes Regency is still low, so it needs to be improved with various training on trademark manufacturing, trademark registration, and branding assistance. . Likewise, the mindset needs to be improved so that the motivation of traditional food producers in Brebes Regency for brand registration in an effort to increase legal awareness and competitive awareness increases, it needs to be accompanied continuously by stakeholders in this case the producer organizations (MSME Forum) and related offices in the regions, as well as facilitation assistance from pihAk who cares like campus.

Based on the results of interviews with Ahmad Sobirin as Chairman of the Brebes Regency UMKM Forum that is currently ready to submit 10 trademark registration registers facilitated by the Research Team (in collaboration with the Dikti research funding team), being accompanied for the manufacture of trademarks by researchers. Likewise, currently preparing for open stalls in Rest Area 260.

Based on interviews with Brebes Regency Cooperative and SME Office staff who accompanied the UMKM forum and Brebes UMKM producer, Amelia, many SME actors were still wondering about

how to make good brands, which were not similar to existing registered brands, as well as partly producers are already old (technology stuttering) and access such as laptops and internet does not exist, so the role of the MSME forum is needed. Interview with the producer, the owner of the "sambal kodyah" hopes to be able to facilitate the registration of his trademark well to get the mark, and assisted with marketing.

Based on the results of the study note that, the majority of respondents do not understand what a brand is. SMEs also do not know what geographic indications are. This is consistent with the results of previous studies, that, the majority of business actors do not yet know the function of the brand as a differentiator, guaranteeing the reputation of promotional tools and investment stimuli (Purwaningsih, 2014).

The public also does not understand that the brand in providing legal certainty on the use of the brand (Lukito, 2018)

The use of a brand in the business world should use good faith, because the brand can be the object of agreement, for example in a franchise because it uses the basis of the brand licensing rights (Apriansyah, 2018).

A good intention is an act in registering a trademark without having the intention to imitate, copy, or follow another party's trademarks in the interest of its business, so as not to create unfair business competition conditions, deceive or mislead

consumers (Explanation of Article 21 Paragraph (3) of Law No. 16 in 2016).

Trademark registration must also be carried out in good faith. This good faith is very important in trademark law because it deals with business competition and brand owner reputation.

What is meant by good faith here is that, in the process of determining and registering trademarks there is no element of intent to imitate a well-known brand, so that its products are immediately famous.

If proven to use a trademark in bad faith, then the registered trademark owner can file a lawsuit with the Commercial Court against other parties (including MSMEs) who unlawfully use a trademark that has similarities in principle or in whole for similar goods or services in the form of compensation claims and / or termination of all acts related to the use of the mark (Sudjana, 2018)

To avoid undesirable things as explained above there needs to be competitive awareness, which is an awareness that to win competition in trade, it is necessary to have a registered brand.

Thus, for the sake of the creation of competitiveness awareness, it is necessary to prepare carefully by the SMEs in Brebes so that it can overcome the pressure of competitors. This is consistent with the opinion that says, "Entrepreneurs will succeed and develop under competitive pressure. They must view competition not as an obstacle, but as an opportunity (Dornis, 2017).

The brand used by MSMEs in Brebes also reflects the level of consumer confidence in goods

and / or services. Products with well-known brands are more easily marketed so they bring profit (Mirfa, 2016)

In the protection of brands used by the MSMEs in Brebes, it is basically to increase the sale value. Considering, registered trademarks that are registered must be used continuously, promoted intensively, will enhance the reputation of the mark. The brand became famous. Reputable brands certainly bring high selling points to the product (brand) and the manufacturer (Purwaningsih, 2019)

Brands owned by Brebes MSMEs when they are registered can also be used for contracts, for example in granting licenses. This is consistent with the opinion that says, "Contract law can be designed to achieve economic efficiency and commercialization." (Baker & Zhou, 2015)

Trademarks owned by SMEs in Brebes are also Intellectual Property. As said, "Company assets consist not only of tangible goods but also of intangible objects such as brands and information." (Sukmadewi, 2017).

Brands owned by SMEs in Brebes basically have very high values, because in them "there are intangible and tangible properties. As said (Barnes, Dworkin & Richards, 2012) "Intangible property has physical existence; property that does not have a physical existence is called intangible property: intellectual property rights are immaterial movable property. "

Registered brands owned by MSMEs will also be able to increase the number of goods sold in the

market. As explained that, "The market is in constant fluctuation, always changing and developing, so traders must adapt to these market changes to maintain excellence through their brands (Logan, 2014)

The sustainability of the Brebes MSME is closely related to the existence of registered trademarks as one of the things that supports business actors in increasing competitiveness of other business actors. As explained that, "Building a trading business must be carried out in a committed manner through the protection of property rights. (Sarianti, 2014).

In fact, with a registered trademark, there is legal protection for SMEs in Brebes who have registered their trademark and are economically very beneficial to the trademark owner. As said (Tomasic and Wolff, 2014) that, "Legal protection in the form of a brand will be able to minimize unfair competition."

Regarding goodwill and the role of brands owned by Brebes MSMEs basically can refer to opinions (Dornis, 2017) which say "The essence of the purpose of trademark registration is to obtain legal protection in using brands so as to increase the ability of business competition."

The owner of a registered mark has the exclusive right to prohibit others from using the mark, and guarantees business certainty compared to the use of a registered trademark, (Fajar, Nurhayati, & Ifrani, 2017) explains that, "The right of ownership brings the power of the state to bear the relationship between the people legal foreign. "

In doing business, the SMEs who already have a registered mark will get protection. This is in accordance with the opinion (Vadi, 2014) "The relationship between culture and economic development and there must be a synergy between the protection of cultural resources (IG) with sustainable economic development."

Trademarks owned by SMEs in Brebes must be registered if they want to get legal protection (Law number 20 of 2016 concerning Trademarks and Geographical Indications). Unfortunately, the awareness of SMEs to register their brands is very low.

Trademarks owned by UMKM may not have similarity in principle or in whole with trademarks of other parties that have been registered in advance for similar goods / or services, constitute or resemble the name of a famous person, photo, or the name of a legal entity owned by another person, except with the written consent of the entitled party; constitutes an imitation or resembles a name or abbreviation of a name, flag, symbol or symbol or emblem of a country or national or international institution, except with the written approval of the competent authority; (f) is an imitation or resembles an official mark or stamp or stamp used by the state or government agency, except with the written approval of the competent authority (Law number 20 of 2016 concerning Trademarks and Geographical Indications). "

D. CONCLUSION

The knowledge level of the traditional food producers in Brebes Regency towards brands was improved with various trainings on trademark manufacturing, trademark registration, and branding assistance.

The level of awareness of MSMEs towards the role of brands in providing legal certainty and the use of brands in the business world in an effort to increase their legal and competitive awareness needs to be improved and addressed. In addition, the MSMEs also needs to be accompanied continuously by the stakeholders, in this case the producer organizations (MSME Forums) and related agencies in the area, as well as facilitation assistance from concerned parties such as the campus.

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