

LEGAL PROTECTION FOR REGISTERED TRADEMARK OWNERS AMONG MICRO, SMALL, AND MEDIUM ENTERPRISES (MSMEs)

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Abstract

Micro, small, and medium enterprises (MSMEs) produce fashion, culinary, and other creative products that require clear legal protection, particularly for trademarks. This article examines the importance of trademark registration for MSME actors and the legal protection available to registered trademark owners in Indonesia. The discussion is based on relevant statutory provisions, literature, and data concerning trademarks and MSMEs. The analysis shows that trademarks function as distinguishing signs, product and business identities, and instruments that strengthen consumer trust. However, digital business development also creates opportunities for unauthorized use, piracy, and even prior registration by irresponsible parties, which may reduce market prices, consumer confidence, and sales turnover. Registration with the Directorate General of Intellectual Property provides legal certainty, exclusive rights, authentic evidence of ownership, a basis for rejecting similar applications, and a basis for preventing unauthorized use. Registered trademarks are protected for ten years from the filing date and may be renewed. Therefore, early trademark registration is a preventive measure that enables MSMEs to avoid disputes, strengthen their bargaining position, and expand business opportunities.

Keywords: Intellectual Property; Legal Protection; MSMEs; Registered Trademark; Trademark Registration

INTRODUCTION

Micro, small, and medium enterprises (MSMEs) emerge from human activities in productive economic ventures intended to meet living needs. The products generated include fashion products, culinary products, and other creative businesses. Pursuant to Article 1 of Law No. 20 of 2008 concerning MSMEs, MSME goods and services that already have trademarks are included within the criteria of material and immaterial assets and are entitled to legal protection. Trademarks form part of intellectual property and function to provide legal protection, whether communal or individual, based on the development of the creative economy, which is categorized as part of future national development and contributes significantly to national and international economic growth in support of the state's vision and mission for the prosperity of the people.

Through a trademark, the goods and/or services produced can be distinguished from other similar products by means of a sign. A trademark also helps consumers better understand business actors' explanations of the products they create, with the objective of encouraging wider consumption of those products. Therefore, the trademark must be registered with the Directorate General of Intellectual Property (hereinafter referred to as DGIP) of the Ministry of Law and Human Rights of the Republic of Indonesia. A trademark certificate provides legal certainty and legal protection under the Law on Trademarks and Geographical Indications.

LITERATURE REVIEW

MSME actors who engage in online or offline trade generally place trademarks on their products. This is important because a trademark functions as a distinguishing sign between one product and another. The importance of trademarks can be traced to ancient history, when people placed marks on the bodies of animals used in trade. The use of a trademark can encourage a product to achieve high sales in the market. A trademark created through a unique composition of lettering, images, and colors can attract prospective consumers to purchase the product.

A trademark can become the identity of a product or the business entity itself, thereby enabling prospective consumers to find it easily. In addition, the existence of a trademark can increase prospective consumers' trust in the quality of the products sold when compared with unlabeled products.

METHOD

This article applies a normative legal and descriptive approach. The discussion is based on statutory provisions concerning MSMEs, trademarks, and geographical indications, together with books, journal literature, official data, and online materials listed in the references. The analysis focuses on the role of trademarks, the risks arising from unauthorized use, the legal consequences of registration, and the practical procedures available to MSME actors for obtaining trademark protection.

RESULTS AND DISCUSSION

Risks of Trademark Misuse

On the other hand, the increasingly accessible development of the business world through the use of information technology has also created opportunities for infringements in trademark use. Irresponsible acts such as trademark piracy can pose a serious threat to MSME actors. The unauthorized use of a trademark for personal gain can be carried out easily because logos are widely accessible on the internet. Such piracy causes serious harm to trademark owners. The losses that may be suffered include damage to market prices, declining consumer confidence after consumers encounter other goods bearing the same trademark at a lower price, reduced sales turnover, and, in the most serious situation, trademark theft.

The potential for trademark theft is substantial when irresponsible persons secretly register the protection first and thereby become legally recognized holders of exclusive rights. The danger of failing to register a trademark can bring MSME actors into disputes. The public has witnessed various trademark disputes between domestic companies and between domestic and foreign companies. Examples include the Ayam Geprek Bensu, GoTo, and Gudang Baru disputes. Similar disputes can also arise at the MSME level because the business world is developing rapidly.

Legal Protection through Trademark Registration

To secure trademark ownership rights and avoid disputes, MSME actors need to register protection for their trademarks with the Directorate General of Intellectual Property of the Ministry of Law and Human Rights. A registered trademark becomes an exclusive right that may not be used by another party without the permission of the official owner, as regulated in Law No. 20 of 2016 concerning Trademarks and Geographical Indications. A trademark whose protection has been registered can serve as authentic evidence for its owner, as a basis for rejecting an application submitted by another party for a trademark that is identical in its entirety or substantially similar for similar goods or services, and as a basis for preventing another party from using a trademark that is identical in its entirety or substantially similar in the circulation of similar goods or services.

A registered trademark receives legal protection for a period of ten years from the filing date of the relevant trademark application, and the protection period may be renewed. Based on 2020 data from the Directorate General of Intellectual Property of the Ministry of Law and Human Rights, the number of intellectual property protections, particularly trademarks, was 411,458. This figure may continue to increase in view of the continued development of MSMEs in Indonesia. Data from the Ministry of Cooperatives and MSMEs show that the number of MSMEs in Indonesia in 2019 was 65,465,497 and will continue to grow over time. MSME actors need to begin considering the importance of trademark registration as early as possible as a preventive step against all forms of harmful conduct in the future. Through trademark registration, MSME actors can obtain a strategic bargaining position at both the national and international levels. In addition, opportunities for business development through the franchise principle become more open because the business already has legal status.

Trademark Registration Procedures and Preventive Value

An application for trademark protection registration can be submitted relatively easily. Offline, MSME actors may visit the Regional Office of the Ministry of Law and Human Rights in every province throughout Indonesia. Officers will assist members of the public who wish to register trademark protection and will provide opportunities for consultation. Online applications can also be accessed easily through the website dgip.go.id. Ultimately, MSME actors need to take account of the various trademark disputes that have characterized law enforcement in Indonesia.

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Preventive efforts through trademark registration are preferable to having to engage in a dispute. In a country governed by law such as Indonesia, a legal basis for ownership represents the best form of asset protection.

Community Service Activity Documentation



Figure 1. Field visit to Kampung Bahari Nusantara, Bagan Kuala Village.



Figure 2. Trademark protection socialization session for MSME actors.



Figure 3. Group documentation of the community service activity in Pekan Tanjung Beringin Village, Serdang Bedagai Regency, 9 July 2026.

CONCLUSION

Micro, small, and medium enterprises (MSMEs) play many important roles in the economy. One of these roles is to stimulate economic dynamism. Their flexible and capable characteristics allow MSMEs to shape a better business environment than large companies. In many cases, some MSMEs entering the market for the first time can grow into large businesses because of their operational success. The growing number of people involved in MSME activities also creates many problems, one of which concerns trademarks. This situation may cause future problems in the form of trademark misuse by irresponsible parties because MSMEs do not have legal protection when the trademarks used in their businesses have not been registered. It will harm the party that should receive the right when a dispute arises in the future. Legal protection for trademarks in Indonesia takes effect after the trademark is registered with the Directorate General of Intellectual Property, more precisely when the application is approved by

the Directorate General of Intellectual Property. At that point, legal protection for the accepted trademark begins to apply in accordance with the trademark as presented in the application.

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