

JURIDICAL ANALYSIS OF THE “STRONG” TRADEMARK DISPUTE BETWEEN HARDWOOD PRIVATE LIMITED AND PT UNILEVER INDONESIA TBK (A STUDY OF DECISION NUMBER 332 K/PDT.SUS-HKI/2021)

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Abstract

The “STRONG” trademark dispute between Hardwood Private Limited and PT Unilever Indonesia Tbk has led to overlapping ownership claims and divergent legal interpretations at different judicial levels. This research seeks to assess the implementation of the legal certainty principle for the initial trademark registrant and to evaluate the legal reasoning adopted by the Supreme Court in Decision Number 332 K/Pdt.Sus-HKI/2021 in light of Law Number 20 of 2016. Employing a normative legal research framework, this study applies qualitative analysis through statutory and jurisprudential approaches. The results indicate inconsistencies in applying the first-to-file doctrine, as the Supreme Court granted the trademark rights to PT Unilever by characterizing “Strong” as a descriptive common term that cannot be exclusively owned, notwithstanding Hardwood’s status as the earliest registrant. These findings underscore the importance of conducting thorough substantive examinations by the Directorate General of Intellectual Property during trademark registration to avoid overlapping rights. Additionally, there is a pressing need to reinforce regulations governing the use of common terms in trademarks to promote justice and legal certainty for prior registrants and to prevent monopolization of language in commercial practices.

Keywords: Trademarks; Legal Certainty; Trademark Disputes

INTRODUCTION

Along with the development of globalization that continues to move toward modernization in various fields, almost all aspects of life have undergone significant transformation, including the economic sector. The increasingly rapid and competitive dynamics of international trade encourage business actors not only to maintain existing business activities but also to actively pursue innovation, expansion, and quality improvement in every aspect of their business operations. These demands arise because competition among business actors is becoming increasingly intense, making adaptability and creativity essential factors for survival and competitiveness in the global market. Through the various business activities they conduct, business actors produce a wide range of products, both goods and services, which constitute an integral and inseparable part of their efforts to develop and advance the business activities they manage.

To prevent unfair business competition practices with other business actors, a business actor may affix a distinctive sign to each product it produces. Such signs may take the form of letters, words, names, images, logos, sounds, or other forms, which are collectively known as trademarks. Trademarks play a crucial role in business and commercial activities, as they function as identifiers and distinguishing elements between products produced by one business actor and those of others that may have similarities, either in their entirety or in certain parts. In addition, trademarks reflect guarantees of quality, characteristics, personality, and reputation of the goods or services offered, thereby providing greater confidence to consumers in the products concerned. In Indonesia, business actors who seek legal protection for trademarks used on the products or services they produce may apply for trademark registration with the Directorate General of Intellectual Property of the Ministry of Law of the Republic of Indonesia. Exclusive rights as the official owner of a trademark arise only after the trademark has been lawfully registered. Through registration, the business actor recorded as the official trademark owner obtains full rights to use the trademark in commercial activities and holds the authority to grant permission or licenses to other parties for its utilization. This is in accordance with the trademark protection principle applied in Indonesia, which adopts the first to file principle,

meaning that only the party that first submits a trademark registration application will be legally recognized and protected in relation to the trademark. If the use of a trademark is identified as substantively lacking distinctiveness or bearing similarity to an officially registered trademark, the lawful trademark owner who suffers losses has the right to take legal action, such as submitting a request for deletion or filing a trademark cancellation lawsuit. The trademark owner may submit a request for trademark deletion to the Minister of Law of the Republic of Indonesia, which may be carried out to remove some or all types of goods or services listed in the relevant trademark registration. Meanwhile, with regard to legal action in the form of a trademark cancellation lawsuit, a party with a legal interest may file a claim with the Commercial Court against the trademark owner recorded in the registry, after first submitting the required application to the Minister of Law of the Republic of Indonesia. However, in practice, there exists a case involving dual ownership of a trademark, namely the STRONG trademark, in which Hardwood Private Limited and PT Unilever Indonesia Tbk became the disputing parties. Hardwood Private Limited asserted that the STRONG trademark belonged to its company, as it already possessed a certificate of trademark rights.

The dispute arose when PT Unilever Indonesia Tbk produced and marketed toothpaste products bearing a trademark identical to that owned by Hardwood Private Limited. This action was considered a violation of exclusive rights, given that Hardwood held an official certificate, leading the case to be brought before the Commercial Court at the Central Jakarta District Court. At the first level, through Decision Number 30/Pdt.Sus Merek/2020/PN.Niaga.Jkt.Pst, the panel of judges fully ruled in favor of Hardwood by strictly enforcing the first to file principle. However, this legal certainty collapsed at the cassation level when the Supreme Court annulled the decision and instead recognized the legality of Unilever’s use of the trademark. This annulment triggered critical juridical problems, in which a legal product resulting from a lawful judicial process and based on the fact of first registration was nullified by a different legal interpretation. Critically, this inconsistency demonstrates a conflict between administrative protection for the first registrant and the recognition of common words that are descriptive in nature. The final decision of the Supreme Court, which appears to legitimize dual ownership, not only undermines the principle of legal certainty for senior trademark owners but also reveals systemic weaknesses in the substantive examination conducted by the Directorate General of Intellectual Property, which allowed the subsequent registration of similar trademarks.

Accordingly, in light of the foregoing background, this research is undertaken to critically examine Supreme Court Decision Number 332 K/Pdt.Sus HKI/2021 by providing an in-depth analysis of the realization of justice and legal appropriateness for all parties involved. The study focuses on the conflicting legal considerations between the panel of judges at the district court level and the Supreme Court justices at the cassation stage in resolving the STRONG trademark dispute, in alignment with prevailing laws and regulations. In addition, this research seeks to assess the implementation of the principle of legal certainty for the owner of the STRONG trademark in the conflict between Hardwood Private Limited and PT Unilever Indonesia Tbk, as governed by Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Based on these objectives, the author conducts this study and presents the findings in a journal article entitled *“Juridical Analysis of the STRONG Trademark Dispute between Hardwood Private Limited and PT Unilever Indonesia Tbk (A Study of Decision Number 332 K/Pdt.Sus HKI/2021)”*

LITERATURE REVIEW

The study by Panjaitan, Esther, and Nababan examines the tension between trademark protection principles in the “STRONG” dispute involving Hardwood Private Limited and PT Unilever Indonesia Tbk, highlighting the conflict between the *first-to-file* doctrine and the treatment of descriptive or common words. Although Hardwood was the first party to register the STRONG trademark, the Supreme Court ultimately ruled in favor of Unilever on the grounds that “strong” constitutes a descriptive term that cannot be monopolized. This finding demonstrates an inconsistency in the application of legal certainty within Indonesian trademark law, indicating that formal registration alone does not guarantee substantive protection when a mark lacks sufficient distinctiveness. Furthermore, the study positions legal certainty as a central element of trademark protection under Law Number 20 of 2016 on Trademarks and Geographical Indications. While the Commercial Court emphasized registration priority as the primary basis for legal protection, the cassation ruling adopted a broader interpretation by prioritizing the descriptive nature of the mark and public interest considerations. This divergence reveals a lack of harmonization between administrative trademark registration and judicial interpretation, resulting in dual ownership and weakening legal certainty for senior trademark holders. The authors also identify deficiencies in the substantive examination conducted by the Directorate General of Intellectual Property, which enabled overlapping registrations and subsequent disputes. The study underscores the need for stronger regulatory frameworks governing the use of common words in trademarks, as well as more rigorous preventive mechanisms during the registration process. Conceptually, this research

contributes to trademark law scholarship by emphasizing the importance of balancing legal certainty, fairness, and healthy competition, while advocating procedural reforms to prevent language monopoly and ensure equitable protection for prior trademark owners.

METHOD

This research adopts a normative legal approach and applies qualitative data analysis techniques. Qualitative analysis in this context involves interpreting, describing, and systematically integrating primary, secondary, and tertiary legal sources to address the established research questions. The scope of this study centers on judicial perspectives, court rulings or jurisprudence, legal norms, and applicable statutory provisions. In this study, the researcher examines judicial decisions related to the STRONG trademark dispute between Hardwood Private Limited and PT Unilever Indonesia Tbk that have obtained permanent legal force. This study analyzes judicial decisions with an emphasis on aspects of legal considerations, namely by examining the grounds used by judges in rendering decisions through an approach based on applicable legal norms within the legal system, legal theory, and the perspectives of legal scholars.

RESULTS AND DISCUSSION

The Application of the Principle of Legal Certainty to the Protection of the First Trademark Owner under Law Number 20 of 2016 concerning Trademarks and Geographical Indications

The theory of law enforcement proposed by Gustav Radbruch states that law has three primary objectives, namely legal certainty, expediency, and justice. Although justice is positioned as the foremost objective, this does not mean that expediency and legal certainty may be disregarded. Good law is law that is capable of balancing these three objectives simultaneously, so that it can provide tangible benefits and ensure order for the welfare of society. The principle of legal certainty is recognized as a fundamental principle that cannot be set aside in the application of law, alongside the principle of justice. Legal certainty functions to ensure that law can be understood, predicted, and applied consistently by every legal subject. Therefore, this principle requires an interpretation that is oriented toward the normative wording of statutory regulations in a clear and firm manner, so as not to create ambiguity in their interpretation. In essence, the principle of legal certainty serves as an instrument to protect justiciable persons from arbitrary actions.

In intellectual property law, particularly trademark law, legal certainty of trademark rights can only be obtained when the state grants recognition through the registration process. Therefore, trademark registration becomes a mandatory requirement for anyone who seeks legal protection for their trademark. For producers who have registered their trademarks, such registration provides legal certainty because trademark rights are officially recognized and protected. Conversely, if a trademark is not registered, the state will not grant exclusive rights over the referenced trademark, resulting in the absence of strong legal protection for its owner. However, in the STRONG trademark dispute contested by PT Unilever Indonesia Tbk and Hardwood Private Limited, it is evident that dual ownership exists with respect to the STRONG trademark. Hardwood Private Limited argued that the STRONG trademark was the lawful property of its company, based on its ownership of a trademark rights certificate.

Nevertheless, PT Unilever Indonesia Tbk was known to have produced toothpaste products using an identical trademark in the market. This action was perceived by Hardwood Private Limited as an attempt to violate the exclusive trademark rights that it claimed to own. Based on this assumption, Hardwood Private Limited pursued legal remedies by filing a lawsuit with the Commercial Court at the Central Jakarta District Court. With regard to the STRONG trademark dispute, both parties were officially registered with the Directorate General of Intellectual Property. Hardwood Private Limited had been recorded in the intellectual property database of the Directorate General of Intellectual Property and had obtained trademark protection since 9 July 2008. On the other hand, the trademark “Pepsodent Strong 12 Jam” owned by PT Unilever Indonesia Tbk had also been registered and had received legal protection since 25 September 2019.

At the first instance, the trademark rights to STRONG owned by Hardwood Private Limited obtained legal protection through the ruling that granted the plaintiff’s claim in its entirety. This decision reflected the position of the panel of judges at the first instance Commercial Court, which emphasized the first to file principle. This consideration indicates that the judges placed the STRONG trademark owned by Hardwood Private Limited in a stronger legal position because it had been registered earlier, thus deserving protection over trademarks registered at a later time. At the cassation level, however, the trademark rights to STRONG as used in the product “Pepsodent Strong 12 Jam” owned by PT Unilever Indonesia Tbk instead received legal protection through a ruling that fully granted the cassation application submitted by PT Unilever Indonesia Tbk and annulled the Commercial Court

Decision Number 30/Pdt.Sus Merek/2020/PN Niaga Jakarta Pusat. This indicates that the Supreme Court judges considered the use of the word STRONG in the trademark “Pepsodent Strong 12 Jam” could not automatically be deemed a violation of Hardwood Private Limited’s trademark rights, given that the trademark had also been lawfully registered with the Directorate General of Intellectual Property. Accordingly, the Supreme Court appeared to emphasize that legal protection is not granted solely to the trademark owner who first registered the trademark, but also to other registered trademark holders, as long as the trademark fulfills distinguishing elements and does not cause confusion in society. However, based on the first to file principle for trademark protection, the STRONG trademark owned by Hardwood Private Limited should, in principle, be entitled to legal protection, considering that it was registered earlier than the “Pepsodent Strong 12 Jam” trademark owned by PT Unilever Indonesia Tbk. Nevertheless, the affirmation of such rights cannot be separated from a more critical examination, particularly concerning the scope of trademark protection, the level of distinctiveness of the STRONG element, and the possibility that the element is descriptive or constitutes a common word in the context of toothpaste products. Therefore, although earlier registration provides a strong legal position, protection of the STRONG trademark must still be placed within a comprehensive and fair legal assessment framework.

The registration of common words as trademarks has the potential to create a monopoly over such words, arising from the absence of clear regulations regarding the limitations on the use of common terms that form part of or constitute elements of trademarks registered by other parties. This normative gap opens space for diverse interpretations in the practice of trademark law enforcement. Therefore, based on the principle of fair use and the principle of good faith, trademark owners who use common words that also form part of trademarks registered by other parties should continue to receive legal protection. According to the author, recognition of intellectual works should not be understood merely as an administrative process, but must be realized through trademark registration with the Directorate General of Intellectual Property. Such registration serves as a legal instrument that provides state legitimacy over trademark ownership, thereby granting the trademark owner a juridically recognized public status. In the absence of registration, claims over a trademark become weak because they are not accompanied by definite legal protection.

Legal Considerations of the Supreme Court Judges in Deciding the STRONG Trademark Dispute and Their Conformity with Law Number 20 of 2016 concerning Trademarks and Geographical Indications

Judicial considerations play a crucial role in assessing the quality of a decision, as through such considerations it can be observed to what extent the decision provides benefits to the parties, guarantees legal certainty, and reflects justice (*ex aequo et bono*). Therefore, judicial considerations must not be formulated in a superficial or merely normative manner, but must be carefully, objectively, and factually grounded, as well as based on relevant legal rules. Inaccuracy and weakness in judicial considerations not only diminish the legitimacy of a decision but may also constitute juridical grounds for the High Court or the Supreme Court to annul the decision through legal remedies. In examining a case, judges cannot detach themselves from the evidentiary process, as the results of evidence constitute the primary basis for formulating legal considerations in resolving a dispute. The evidentiary stage is a highly crucial phase in judicial proceedings, as it is at this stage that the material truth of an event is tested. Evidence aims to provide conviction to judges regarding the truth of facts submitted by the parties, so that the resulting decision is not only legally valid but also just. Without adequate evidence, judges lack a strong basis to render a decision, as the existence of legal events or legal relationships binding the parties cannot be clearly established.

Furthermore, judicial considerations should be accompanied by the following aspects:

- a. The core issues of the case, as well as matters that are acknowledged or legal arguments that are not denied.
- b. Juridical analysis of all elements related to facts or matters that have been proven during the proceedings.
- c. Consideration and adjudication of all aspects of the plaintiff’s claims individually, enabling judges to draw conclusions regarding whether each claim is proven or not and whether it may be granted or rejected in the operative part of the decision.

In the operative part of Decision Number 332 K/Pdt.Sus HKI Merek/2021, decided by Dr. H. Hamdi, S.H., M.Hum. as Presiding Judge, with Dr. H. Panji Widagdo, S.H., M.H. and Dr. Rahmi Mulyati, S.H., M.H. as Associate Judges, and attended by Nihil Eva Yustia, S.H., M.Hum. as Substitute Registrar, the decision was rendered on 30 March 2021 in the absence of both parties. The panel of judges adjudicated by granting the cassation application submitted by PT Unilever Indonesia Tbk as the cassation applicant and annulling the Central Jakarta District Court Commercial Court Decision Number 30/Pdt.Sus Merek/2020/PN Niaga Jkt Pst. At the same time, the panel adjudicated the case by rejecting both the claim and the exception filed by the plaintiff, namely Hardwood Private

Limited, and ordered the cassation respondent, Hardwood Private Limited, to pay court costs at all levels of proceedings, including cassation costs amounting to IDR 5,000,000. In Decision Number 30/Pdt.Sus Merek/2020/PN Niaga Jkt Pst, rendered by the Presiding Judge Albertus Usada, S.H., M.H., together with Associate Judges Agung Suhendro, S.H., M.H. and Dulhusin, S.H., M.H., based on the Decree of the Head of the Central Jakarta District Court Number 30/Pdt.Sus Merek/2020/PN Niaga Jkt Pst dated 9 June 2020, it is known that the decision was delivered by the Presiding Judge in the presence of the Associate Judges, Andre, S.H. as Substitute Registrar, as well as legal counsel for both the defendant and the plaintiff on Wednesday, 18 November 2020, in a public hearing. The panel of judges of the Central Jakarta Commercial Court granted the entirety of the claims submitted by Hardwood Private Limited as the plaintiff in the STRONG trademark dispute concerning similarity in principal elements or in their entirety. The operative part of the decision stated as follows:

1. Granting all claims of the plaintiff.
2. Declaring that the STRONG trademark, Registration Number IDM000258478, Class 3, owned by the plaintiff, is a well known trademark in the Republic of Indonesia.
3. Declaring that the defendant’s toothpaste product using the STRONG trademark is similar and has similarity in its principal elements to the STRONG trademark, Registration Number IDM000258478, Class 3, owned by the plaintiff.
4. Declaring that since 2019 until the present, the defendant has committed trademark infringement against the STRONG trademark, Registration Number IDM000258478, Class 3, owned by the plaintiff.

Based on the overall background and the legal considerations presented by the panel of judges, the use of the “STRONG” trademark by the defendant on the “Pepsodent Strong 12 Jam” product, which includes activities of production, promotion, marketing, distribution, and commercial trading of toothpaste products, was conducted without legal entitlement and without the consent of the plaintiff as the lawful owner of the registered “Strong” trademark in the same class of goods, namely Class 3. Such actions clearly demonstrate the existence of similarity in the essential elements between the trademark used by the defendant and the trademark owned by the plaintiff, thereby having the potential to cause confusion among the public. This condition subsequently served as the legal basis for the plaintiff to file a claim for damages against the defendant pursuant to the provisions of Article 83 paragraph (1) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which stipulates as follows: “The owner of a registered Trademark and or the recipient of a registered Trademark License may file a lawsuit against another party who, without authorization, uses a Trademark that has similarity in its essential elements or in its entirety for identical goods and or services in the form of:

- a. a claim for damages; and or
- b. an order to cease all acts related to the use of the Trademark.”

The plaintiff, as the holder of the “Strong” trademark license, petitioned the panel of judges to order the cessation of all production and commercial activities involving products or services that use the trademark without legal entitlement. In addition, the judges are authorized to issue orders concerning the surrender of goods resulting from the infringement or the replacement of their value after the decision has obtained permanent legal force. In the context of civil law, the claim for damages submitted by the plaintiff may be classified into three categories, namely:

1. Punitive damages, namely damages imposed exceeding the actual loss suffered by the plaintiff, intended to create a deterrent effect and to serve as a sanction against the perpetrator of unlawful acts.
2. Actual damages, namely damages based on real losses that are directly and materially suffered by the plaintiff as a result of the unlawful acts committed by the defendant.
3. Nominal damages, namely damages awarded in a certain amount even when material losses are not substantial, provided that a violation of rights can be legally proven and monetarily assessed.

The Commercial Court at the Central Jakarta District Court was deemed to have erred in the application of law, as reflected in several considerations used in adjudicating the case. First, the plaintiff, namely Hardwood Private Limited, filed a lawsuit regarding trademark infringement committed by the defendant, PT Unilever Indonesia Tbk, based on the use of the term “strong” combined with the already registered “Pepsodent” trademark. However, such combination should not automatically be regarded as trademark infringement without an in depth analysis of its distinctive function and its potential to cause confusion among consumers. Second, the word “Strong” is fundamentally not a coined or exclusive term owned by Hardwood Private Limited, but rather a commonly used word in the English language meaning “powerful” or “robust” and functioning as an adjective. As a descriptive term, the use of “strong” should be assessed proportionally within trademark law analysis. Furthermore, a search of the Intellectual Property database indicates that the word “Strong” has been used by various parties as part of trademark

names, and therefore should not be monopolized by a single party without considering the principle of public interest and fair competition.

This position is further reinforced by the Regulation of the Minister of Law and Human Rights Number 12 of 2021 and Regulation Number 67 of 2016 concerning Trademark Registration, specifically Article 16 point (f), which states that: “An application for trademark registration cannot be registered if it constitutes a common name and or a symbol belonging to the public.” Law Number 20 of 2016 concerning Trademarks also stipulates in Article 20 letter (f) that: “A Trademark cannot be registered if it constitutes a common name and or a symbol belonging to the public.” Such conditions can also be observed in various well known product trademarks circulating in Indonesia that similarly use common English words as part of their trademarks. Examples include facial cleansing products such as Garnier Men, Biore Men, Pond’s Men, and Nivea Men. The use of the word “Men” in these trademarks functions as a descriptive element indicating that the products are intended for male consumers.

Third, pursuant to Article 83 paragraph (1) of Law Number 20 of 2016 on Trademarks and Geographical Indications, trademark infringement actions are fundamentally aimed at parties who use a trademark without lawful authority or consent. This provision confirms that registered trademark owners or license holders are entitled to initiate legal proceedings against unauthorized parties whose use of a trademark is substantially similar or identical in whole for the same goods or services. Such legal actions may include claims for compensation and/or requests to terminate all activities related to the unlawful use of the trademark. Fourth, in the present case, PT Unilever Indonesia Tbk registered the “Strong” trademark on 25 September 2019 under registration number DID2019057948 in Class 3, thereby obtaining the legal right to use the trademark. Although the “Strong” trademark used in the “Pepsodent Strong 12 Jam” product was formally registered and granted legal protection on 25 September 2019, providing PT Unilever Indonesia Tbk with a lawful basis for its use, legal issues nonetheless arise.

This is due to the fact that Hardwood Private Limited had previously registered the “Strong” trademark and thus possessed priority rights. This situation illustrates a conflict of legal protection between identical or substantially similar trademark registrations, which ultimately generates legal uncertainty for trademark owners who submitted their applications earlier. Such conditions contradict the first-to-file principle embraced by Indonesia’s trademark system, whereby trademark rights should be awarded to the party that first files a valid registration. In the author’s assessment, the panel of judges in this case appeared to seek a balance between legal certainty and fairness for both parties, given that each held officially registered trademarks. When viewed in light of Law Number 20 of 2016 on Trademarks and Geographical Indications, the ruling may be interpreted as recognizing the registered status of both parties’ marks. However, this case simultaneously exposes shortcomings in the administrative procedures of trademark registration at the Directorate General of Intellectual Property, particularly within the Trademark Directorate. Insufficient scrutiny during the substantive examination stage may lead to overlapping rights and subsequent disputes. Therefore, greater diligence is required in assessing potential similarities with existing or well-known trademarks to safeguard first-registered marks and to prevent comparable conflicts from arising in the future.

CONCLUSION

1. The principle of legal protection constitutes the primary foundation for guaranteeing the rights of registered trademark owners. Therefore, the STRONG trademark owned by Hardwood Private Limited is juridically entitled to legal protection. Considering the various legal remedies that have been pursued and the fact that Hardwood Private Limited was the first party to register the STRONG trademark with the Directorate General of Intellectual Property, the use of the same trademark by PT Unilever Indonesia Tbk gives rise to serious issues concerning the fulfillment of the principle of legal certainty. This condition indicates an inconsistency in the implementation of trademark protection in Indonesia, which ultimately disadvantages trademark owners who have lawfully acquired rights at an earlier stage.
2. The legal considerations applied by the panel of judges in this trademark dispute case demonstrate differences in approach between the decision at the first instance level and the decision at the cassation level. At the first instance, the panel of judges fully granted the claim submitted by Hardwood Private Limited, reflecting an assessment that a violation of the plaintiff’s trademark rights had occurred. However, at the cassation level, the Supreme Court granted the cassation application submitted by PT Unilever Indonesia Tbk and simultaneously annulled the decision of the court of first instance. This difference signifies divergent interpretations and applications of trademark law at each judicial level, which directly affects legal certainty for the disputing parties.

Based on the foregoing conclusions, several recommendations may be proposed as follows:

1. Legal certainty and fairness for registered trademark holders must be reinforced through a more rigorous and comprehensive examination process. Careful assessment is a fundamental requirement for judges

and competent authorities to issue decisions that genuinely reflect justice for all disputing parties. Moreover, the examination stage of trademark registration applications should be implemented with stricter standards and greater attention to detail to prevent future trademark conflicts, particularly those resulting from substantial or overall similarities between marks. Accordingly, trademark protection should function not only as a reactive mechanism through dispute settlement but also as a preventive measure supported by an accurate and accountable registration system.

2. In order to improve the effectiveness of trademark protection, especially for earlier registered trademarks, a stronger preventive registration framework is required. One practical step is the development of an automated notification system that alerts registered trademark owners when new applications with similar characteristics, either in their essential elements or in their entirety, are submitted. In addition, revisions to Law Number 20 of 2016 concerning Trademarks and Geographical Indications are urgently needed, particularly to incorporate more detailed provisions on trademark similarity criteria and dispute resolution procedures. These initiatives are expected to enhance legal certainty, reduce the likelihood of disputes, and provide more comprehensive protection for trademark owners who obtained registration at an earlier stage.

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