

POTENTIAL FOR PLAGIARISM OF TRADEMARKS BASED ON LAW NUMBER 20 OF 2016: A STUDY ON PHILADELPIA BALI AND BLUE PLATE BINTARO

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Abstract

This study examines potential plagiarism involving trademarks and trade concepts in the case of Philadelpia Sushi Bali and Blue Plate Sushi Bintaro based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Using a normative legal approach, the research analyzes similarities in visual elements, promotional strategies, and brand identity that may cause consumer confusion. The findings indicate that similarities in logos, product displays, and digital communication styles can be considered trademark infringement when they replicate the distinctive features of a prior brand. Legal protection for trademarks therefore extends beyond names to include the visual expressions and trade concepts forming the business identity.

Keywords: Trademark, Plagiarism, Trade Concept

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INTRODUCTION

The rapid development of the business world has pushed every business owner to create a unique and recognizable brand identity. This identity-building effort extends beyond choosing a name or creating a logo, encompassing the entire business concept that characterizes a business.¹ However, in reality, similarities between brands are often found, both visually and conceptually.² This can create problems when these similarities are perceived as plagiarism, harming the party that developed the brand or business concept first.³ The issue of brand similarity becomes increasingly complex because the line between inspiration and imitation is not always easily defined.⁴ A business may use certain elements that coincidentally resemble another business's identity, or it may do so intentionally to attract consumers already familiar with the existing brand. In such cases, the injured party typically considers such actions to be a form of plagiarism of the brand's identity. This issue demonstrates that competition in the business world often occurs not only in the product aspect, but also in the creative and symbolic aspects inherent in the brand. In a legal context, Law Number 20 of 2016 concerning Trademarks and Geographical Indications exists to protect registered trademarks and regulate dispute resolution in the event of infringement.⁵ However, implementing this provision is not always straightforward, as assessing plagiarism must encompass various aspects,

¹de Riandra, Chealza Nuansa, and Muh Ariffudin Islam. 2021. "VISUAL IDENTITY DESIGN FOR CATERING & BAKERY CHERRY". *BARIK 2* (2):43-56. <https://doi.org/10.26740/jdkv.v2i2.40987>.

²Denny, Denny, Yenny Permata Liegestu, Novika Novika, and Asmin Patros. 2022. "Trademark Dispute Resolution in Indonesia: A Study of Decisions". *SAPIENTIA ET VIRTUS 7* (2): pp. 148-163. <https://doi.org/10.37477/sev.v7i2.377>

³Sari, Yulistia Ilma Tifani (2023) Legal Protection for First Registered Trademark Rights Holders Regarding Passing Off Actions Containing Elements of Similarity in Substance. Thesis, Tanjungpura University.

⁴ Dr. Deni Gustiawan (2024). Product and Brand Management. PT. Indonesia Delapan Kreasi Nusantara. P. 66

⁵Rifai, Tomy Pasca. 2017. "READYNESS OF LAW NUMBER 20 OF 2016 CONCERNING TRADEMARKS AND GEOGRAPHICAL INDICATIONS IN FACING THE ASEAN ECONOMIC COMMUNITY". *Fiat Justisia: Journal of Legal Studies 10* (4):733-76. <https://doi.org/10.25041/fiatjustisia.v10no4.809>.

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such as visual similarity, conceptual substance, and consumer perception. ⁶A trademark may appear distinctly different to the naked eye, yet still evoke a similar impression in the public. This complicates the process of legal proof and assessment, requiring in-depth analysis. This is what happened between the Brands “Philadelphia Sushi Bali” and “Sushi Plate Bintaro”. In fact, until the time this study was conducted, there had been no statement from each party expressing their disapproval or explicit criticism regarding the conditions or plagiarism carried out by one of the parties, but there were several insinuations that had been expressed through social media, netizen comments, and the opinions of several food *reviewers* regarding the similarity of the Brand Logo, Menu Concept, to *the Hook* used to make the promotional video, which created the risk of problems such as plagiarism could occur.

Some of the similarities and problems between the two brands include the following:

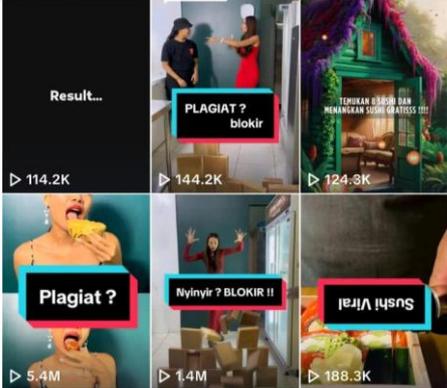
Table 1.

Aspects of Philadelphia Sushi Bali	Aspects of Blue Plate Sushi Bintaro
<p style="text-align: center;">Logo</p> 	<p style="text-align: center;">Logo</p> 
<p style="text-align: center;">Product Display</p> 	<p style="text-align: center;">Product Display</p> 
<p style="text-align: center;">Profile</p> <p>The owner is a graduate of the Indonesian Master Chef named Anna Madani. Since its opening in 2024, its quality has been considered unquestionable because many food reviewers have said that its products are delicious and of high quality. Product price range: Rp. 149,000 – Rp. 1.3 million.</p>	<p style="text-align: center;">Profile</p> <p>The owner hasn't clearly identified himself, but some social media posts show his face and activities. Established in 2025, the business seems more like an MSME, as the owner doesn't operate from a specific shop or restaurant, but rather from a storefront in the Bintaro culinary center, Fresh Market Bintaro. Price range: Rp. 100,000 – Rp. 335,000.</p>
<p style="text-align: center;">Website</p> <p>Professional on the home page of the “Our Story” Sub Menu is written firmly; “We are Philadelphia. We don't adapt, we don't copy, we don't agree. We break standards and create new ones.”</p>	<p style="text-align: center;">Social media</p> <p>Don't have a proper website, only Instagram and TikTok social media accounts</p>

⁶Perdana, Karlina, and Pujiyono. “Weaknesses of Trademark Law in Terms of Trademark Registration (A Study of the Pierre Cardin Trademark Dispute Decision).” *Private Law* 5, no. 2 (July–December 2017): 84–92. Faculty of Law, Sebelas Maret University, Surakarta.

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 <p>Rasakan Pengalaman Pengiriman Sushi Paling Canggih Di Bali</p> <p>Baru dibuat. Ditata dengan indah. Benar-benar tak terlupakan. Selamat datang di Philadelphia Sushi.</p>	 <p>PHILADELPHIA ROLL by BLUE PLATE</p>
<p>Business Owner Content</p>	<p>Business Owner Content</p>
 <p>Result... 114.2K</p> <p>PLAGIAT? blokir 144.2K</p> <p>TEMUKAN ORG ORG YANG MENAKAN SUSHI GRATIS 124.3K</p> <p>Plagiat? 5.4M</p> <p>Nyinyir? BLOKIR !! 1.4M</p> <p>Sushi Viral 188.3K</p> <p>Since the emergence of Blue Plate Bintaro, business owners have made several videos that criticize the plagiarism committed by the business.</p> <p>https://www.tiktok.com/@philadelphia.bali? t=ZS-90wV8JzxTV4& r=1</p>	 <p>Rayna philadelphia in bintaro pret 09-22 Reply 2,526</p> <p>rynnnnnniz ini yg sono sono dan sonoo otu bukan sii 09-22 Reply 1,974</p> <p>.badut.penghiburmu logo lu ganti gaakkkk 10-09 Reply 8,457</p> <p>Power Ragers Dulu perasaan " Philadelphia in Bintaro by blu plate tpi by blu plate nya kecil bgt sekarang udh ganti berarti udh tau kan salah nya di Mna,kan org org tau nya Philadelphia itu yg di Bali mkanya ada sebagian yg mikir apa philadelphia buka cabang di Bintaro 10-11 Reply 912</p> <p>putt karna soft spoken jadi bnyak yg dukung, oke juga brandingnya 09-26 Reply 6,299</p> <p>Hai, Aku Tyna! Kak, sekedar saran. Memang di dunia kuliner pasti ada yang sama, jangankan se-Indonesia, se-Dunia pun bahkan ada yang sama. Tapi tolong, untuk logo bisa lah buat sendiri jangan plek-ketiplek sama Philadelphia. Yuk, coba bikin inspirasi sendiri. 10-15 Reply 2,352</p> <p>Even though it looks like product content in general, due to the similarities that are built, some netizens have given quite negative comments.</p> <p>https://vt.tiktok.com/ZSyRBmk2b/</p>
<p>Food Reviewer Content</p>	<p>Food Reviewer Content</p>

Most of those who do reviews are culinary professionals such as chefs and celebrities, because the prices offered tend to be higher.



<https://vt.tiktok.com/ZSyRhojnf/>

Because the prices tend to be lower, some food review videos are primarily from internet users, not culinary professionals. However, the hooks typically use the keyword "Philadelphia Bali."



<https://vt.tiktok.com/ZSyRhB9c5/>

Based on several similarities, both brands, Philadelphia Sushi Bali and Blue Plate Sushi Bintaro, have several similarities that can lead to public perception regarding the similarity of their business concepts and identities. From a visual aspect such as logos and product displays, both display a modern sushi presentation style with aesthetic packaging and are oriented towards the consumer's visual experience. This creates a professional and premium impression for both, although Blue Plate Sushi Bintaro is more modest in terms of location and facilities. The similarities are even more apparent in the aspect of social media content, where the messaging strategy and product presentation style are similar in creating an exclusive impression. In fact, several food reviewers who review Blue Plate Sushi Bintaro often use the keyword "Philadelphia Bali" in the hook or opening of their content. The use of this word can cause confusion among consumers and blur the line between the original idea of Philadelphia Bali and the presence of Blue Plate Bintaro which appeared later. Potential plagiarism issues can arise from overlapping branding elements that shape a business's identity. ⁷Philadelphia Sushi Bali has already established a business image with a concept of luxury and exclusivity, as evidenced by its high product prices, premium quality, and support from professional culinary reviewers. Meanwhile, Blue Plate Sushi Bintaro presents a similar concept, albeit on a MSME scale with more affordable prices.

However, similarities in visual concepts, content styles, and digital marketing strategies have the potential to be considered imitative acts that violate business ethics, especially when the hook and narrative in the promotion create the impression of a direct connection with the Philadelphia brand. If the similarity is not merely coincidental but also imitates the distinctive characteristics inherent in the previous brand, then it can result in a violation of intellectual property rights, particularly in the context of brand and trade concept plagiarism as regulated by Law Number 20 of 2016 concerning Trademarks and Geographical Indications. An analysis of the Philadelphia Bali and Blue Plate Bintaro cases can be used to examine how legal regulations are applied to protect brands and trade concepts in Indonesia. Using a normative legal approach, this research can demonstrate the extent to which laws provide legal certainty for businesses. Furthermore, this research can help identify weaknesses in regulations that still allow for the imitation of trade concepts. Studies such as this are expected to enhance understanding of how the law works to protect intellectual property rights and the limits of protection that should apply in today's business world.

METHOD

This study uses a normative legal research method by examining Law Number 20 of 2016 concerning Trademarks and Geographical Indications and related regulations to analyze legal protection against trademark and

⁷Yaqin, Muhammad Ainul, Arini Inayaturohmah, Muhammad Izet Madani, Raja Fachreza, Fithroh Putri Istiqomah, Dahlan Prasetyo, Aulia Alafin Alal Aroiqi, and Sabila Dini Qoyimah. *Scale Up Your Brand: A Guide to Improving Brand Image and Appeal Through Visuals, AI, and Digital Strategy*. Edited by Dedy Riyadin Saputro and Henie Kurniawati. Banyumas: Publisher Lutfi Gilang, 2025. ISBN 978-634-7111-06-7. P. 44

trade concept plagiarism. The approaches used include a legislative approach and a case approach through studies on Philadelphia Bali and Blue Plate Bintaro. The legal materials used consist of primary, secondary, and tertiary legal materials, which are analyzed qualitatively to understand the application of legal norms in cases of trademark and trade concept plagiarism.

RESULTS AND DISCUSSION

The Concept of Intellectual Property Rights

The rationale for intellectual property rights stems from the idea of rewarding individuals who create or discover intellectual works that benefit society.⁸ In his political works from the fourth century BC, Aristotle frequently criticized the ideas of Hippodamus of Miletus, who proposed a reward system for individuals who produced discoveries that benefit society. Hippodamus argued that by rewarding the creators of useful things, society would gain more similar discoveries. However, Aristotle argued that such a reward system could actually harm social welfare, as rewarding disclosure of information to the state could encourage false claims of discovery or misleading actions by public officials.⁹ Philosophically, there are two main views that view intellectual property rights as a form of ownership. One stems from the thinking of John Locke, who linked the concept of ownership to human rights, namely the right to life, liberty, and property. According to Locke, someone who works diligently and productively is entitled to the fruits of their labor, where greater effort and sacrifice provide the basis for greater ownership compared to those who work less hard.¹⁰ However, in practice, a person is not permitted to use their rights in a way that harms the rights of others or hinders their access to social life. Every individual has a natural right to obtain the fruits of their own efforts and hard work. According to Hegel, at some point, property must become private, and private ownership becomes a universally applicable institution, which then becomes the justification for intellectual property rights. He argued that the concept of property contains something beyond human instinctual drives. Wealth is seen as a means of building, developing, and expressing one's personality, while also establishing boundaries between the individual and the property of others in society.¹¹ Thus, respect for intellectual property rights is a form of recognition of the uniqueness and value of each individual's personality.

Legal protection of intellectual property has certain limitations, and its respect depends on the strength of those rights and their recognition by society. This is determined by the creators' ability and the level of social acceptance in preventing imitation. According to Hegel, wealth, as part of personal identity, also brings benefits to society. In this context, the market provides a space for individuals to establish and maintain their identities through the voluntary exchange of wealth that reflects personal will.¹² However, society has limits in restricting individuals' rights to manage, control, or grant permission for their wealth. The public interest cannot be used as a justification for taking someone's wealth without providing commensurate compensation. Intellectual Property Rights (IPR) is a translation of the term Intellectual Property Rights, which consists of three main elements: rights, property, and intellectual property. Property is understood as something abstract but can be owned, transferred, bought, or sold. Meanwhile, intellectual property includes the results of human ability and creativity, such as works in the fields of technology, science, art, literature, music, writing, and even caricatures.¹³ Thus, IPR can be interpreted as the right or authority that a person has to use and control the results of his creations, in accordance with legal provisions governing the protection of intellectual works. Intellectual Property Rights (IPR) fall into the category of property rights, namely the right to an object derived from human thought and rational work. The results of this intellectual work are in the form of intangible or immaterial objects. In civil law, objects are divided into two types: tangible objects and intangible objects. According to Article 499 of the Civil Code, property is defined as any item or right that can be owned and controlled by a person through ownership rights.¹⁴ The consequence of the limitations of Intellectual Property Rights is the separation between the rights to intellectual works and the physical form of those creations. For example, copyright on a scientific work is a form of intellectual property rights, while the physical

⁸Anthony D'Amato and Doris Estelle Long, *International Intellectual Property Anthology*, in Rahmi Jened, 2007, *Intellectual Property Rights: Abuse of Exclusive Rights*, Surabaya, Airlangga University Press. p. 15.

⁹ *Ibid*

¹⁰ *Ibid*, p. 17

¹¹ *Ibid*, p. 19

¹² *Ibid*, p. 21

¹³Adrian Sutedi, *Intellectual Property Rights*, (Jakarta: Sinar Grafika, 2009) p. 38

¹⁴Civil Code, (Permata Press, 2008) p. 146

form of a book is the material result of that right. The same applies to inventions protected by patents.¹⁵ Thus, what is protected in the IPR system is the rights to the results of thought or creation itself, not its physical form, because the material form is included in the category of tangible objects regulated by property law. In the context of modern law, IPR includes rights to intangible intellectual works, such as works of art, writing, technology, and design, which are protected not in their physical form but in the rights to the ideas and creativity behind them.¹⁶ This understanding is relevant when linked to the cases of Philadelphia Sushi Bali and Blue Plate Sushi Bintaro, where the issue of similarity in logos, product appearance, and business concepts shows that ideas and creative expressions in business are also part of intellectual property that must be protected to prevent plagiarism or profiting from the creations of others.

Analysis of Law Number 20 of 2016 concerning Trademarks and Geographical Indications

Law Number 20 of 2016 regulates legal protection for trademarks and geographical indications as part of intellectual property rights. This regulation aims to provide legal certainty for trademark owners and encourage a healthy and fair business climate. A trademark is defined as a sign that can be displayed graphically in the form of an image, logo, name, letters, numbers, color arrangement, or a combination of these elements used to distinguish goods or services produced by an individual or legal entity. Meanwhile, geographical indication refers to a sign that indicates the region of origin of a product that has certain quality, reputation, or characteristics due to geographical factors. This law regulates the trademark registration process, from filing, formal and substantive examination, announcement, to certificate issuance. Registered trademarks are protected for a period of ten years, renewable. This regulation also stipulates the rejection of registration for trademarks that are substantially or entirely similar to registered trademarks, well-known trademarks, or protected geographical indications. Furthermore, there are provisions regarding the transfer of trademark rights, such as through inheritance, grants, agreements, or licenses. Brand owners also have the right to file lawsuits against parties who use the same or similar trademark without permission. Administrative and criminal sanctions are imposed for violations, including unauthorized use of a registered trademark.

For geographical indications, protection is granted to products with distinctive characteristics based on their geographic location, through a registration mechanism through an authorized institution. This protection aims to maintain the reputation and quality of products associated with their region of origin. In general, Law Number 20 of 2016 strengthens the intellectual property rights protection system in Indonesia, particularly in the areas of trademarks and geographical indications, by regulating clearer registration procedures, expanding the types of trademarks that can be registered, and providing a stronger legal basis for dispute resolution. In the case between Philadelphia Sushi Bali and Blue Plate Sushi Bintaro, the legal issues relate not only to the similarity of the brand names, but also include similarities in logos, product appearance, and similar business concepts, including branding, packaging, promotional styles, and visuals on social media. When reviewed based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications, there is no article that directly mentions the terms "product concept" or "logo" separately. However, these elements are included within the scope of trademark law, as they are normatively regulated in the definition of "brand" and the concept of "substantial similarity." Thus, the similarity of logos and product appearance can be analyzed through articles that implicitly regulate visual aspects and trade concepts.

Article 1 paragraph (1) which reads:

"A brand is a sign that can be displayed graphically in the form of an image, logo, name, word, letter, number, color arrangement, in two-dimensional and/or three-dimensional form, sound, hologram, or a combination of two or more of these elements to distinguish goods and/or services produced by a person or legal entity in the trading of goods and/or services."

This explains that a brand is a sign that can be displayed graphically in the form of an image, logo, name, letters, numbers, color arrangement, two-dimensional, three-dimensional, sound, hologram, or a combination of these elements used to distinguish goods or services produced by a person or legal entity in trading activities. Based

¹⁵Ok Saidin, *Legal Aspects of Intellectual Property Rights Revised Edition*, (Jakarta: Rajawali Press, 2015). P. 15

¹⁶Rachman, Acep Akmal Saeful, and Ikhwan Aulia Fatahillah. 2025. "The Urgency of Reforming Intellectual Property Rights Law in Indonesia in Protecting Visual Reality Works in the Metaverse Era: A Normative Analysis Study". *Themis: Journal of Legal Studies* 3 (1):29-37. <https://doi.org/10.70437/themis.v3i1.1225>.

on this provision, the logo and visual appearance of the product are included as part of the brand. If Blue Plate Sushi Bintaro has a similar shape, color, or design style to Philadelphia Sushi Bali, then this can be considered a visual trademark infringement because it creates the impression that the two businesses have an identity relationship.

Furthermore, Article 20 letters a and b read:

"A brand cannot be registered if it contains elements that:

a. contrary to state ideology, laws and regulations, morality, religion, decency or public order;

b. misleading the public about the origin, quality, type, size, kind, purpose of use of the goods and/or services for which registration is requested."

This means that a trademark cannot be registered if it contains elements that are contrary to law, morality, or mislead the public regarding the origin, quality, type, size, or intended use of goods and services. If the trade concept used by Blue Plate creates the impression that the business is a branch or derivative version of Philadelphia Sushi Bali, then this action can be categorized as a violation that misleads the public. This shows that conceptual similarities that create false perceptions among consumers are included in violations of this provision.

Then, Article 21 paragraph (1) letters a to c reads:

"A trademark registration application is rejected if the trademark is substantially or completely similar to:

a. registered trademarks belonging to another party or previously applied for by another party for similar goods and/or services;

b. a well-known brand belonging to another party for similar goods and/or services; or

c. known geographical indications."

This regulation stipulates that a trademark registration application may be rejected if it is substantially similar to a registered trademark or a well-known trademark owned by another party. The phrase "substantial similarity" includes visual similarities such as shape, color, or other design elements that create a similar impression in the eyes of consumers. In practice, the Directorate General of Intellectual Property (DJKI), visual similarities, product appearance, and packaging are often grounds for rejection of new trademark registrations because they can cause market confusion.

Then Article 83 paragraph (1) which reads:

"The owner of a registered trademark can file a lawsuit against another party who unlawfully uses a trademark that is essentially or wholly similar to it for similar goods and/or services."

This article grants registered trademark owners the right to file lawsuits against other parties who use similar trademarks without permission for similar goods or services. In this context, Philadelphia Sushi Bali has the right to file a lawsuit if it is proven that Blue Plate Sushi Bintaro uses a logo, visual appearance, or product concept that is substantially similar and causes consumer confusion. This provision provides the legal basis for previous trademark owners to protect their trademarks from acts deemed to be imitation.

Apart from that, Article 100 paragraph (2) reads:

"Any person who without the right uses a trademark that is essentially similar to a registered trademark belonging to another party for similar goods and/or services produced and/or traded, shall be punished with imprisonment for a maximum of 4 (four) years and/or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah)."

This provides criminal provisions for anyone who unauthorizedly uses a trademark that is substantially similar to another party's registered trademark for similar goods or services. If Blue Plate knowingly exploits the similarity of the Philadelphia logo or concept to attract consumers and gain economic benefit, such action could constitute criminal trademark infringement. In legal practice and DJKI guidelines, the term "similarity in substance" encompasses not only similarity in words or names, but also similarities in logos, dominant colors, graphic shapes, design layouts, product packaging, and visual concepts and trade dress that create the impression of a relationship between two products. Therefore, even if "similarity in product concept" is not explicitly mentioned in the law, such similarity can still be considered a trademark infringement if the presentation style, appearance, or visual concept adopted creates the public perception that the two products originate from the same party.¹⁷

¹⁷Directorate General of Intellectual Property. Advanced Intellectual Property Module: Trademarks and Geographical Indications. 2020 Edition. Jakarta: Ministry of Law and Human Rights of the Republic of Indonesia, 2020. P. 11

Forms and Elements of Plagiarism of Trademarks and Trade Concepts in the cases of Philadepia Bali and Blue Plate Bintaro

This section will discuss how similarities in visual identity, promotional strategies, and product presentation concepts can lead to allegations of intellectual property rights infringement in the areas of branding and trade concepts. Similarities between the two are evident not only in logos and product displays, but also in business image, digital communication patterns, and public perception on social media. Based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications, this study aims to outline elements that indicate imitation that can obscure the authenticity of a pre-existing brand.

Table 1. a

Aspect	Philadelphia Sushi Bali	Blue Plate Sushi Bintaro	Forms and Elements of Plagiarism of Trademarks and Concepts
Logo	Using a modern, elegant and exclusive logo that reflects a premium restaurant.	Using logos with similar colors, typography, and design styles so they appear to have the same visual impression.	There is a visual similarity that creates the perception that the two businesses have a business relationship; this constitutes visual brand plagiarism.
Product Display (Appearance and Presentation Concept)	Presenting sushi with a modern presentation style, neat packaging, and oriented towards premium visual aesthetics.	Featuring sushi with almost identical packaging and presentation layout, it mimics the elegant and exclusive impression that Philadelphia has built.	Contains elements of trade dress imitation through the similarity of appearance and customer experience that imitates the visual concept of the previous brand.
Business Profile and Image	<i>MasterChef Indonesia</i> finalist (Anna Madani) with the image of a luxurious and high-quality restaurant.	The owner is not known to the public, but builds a similar impression through content and business communication style on social media.	Contains brand identity imitation because it imitates the impression of exclusivity and reputation that Philadelphia already has.
Website / Digital Media	Have a professional website with a strong message of originality: "We don't copy, we break standards and create new ones."	It doesn't have a website, but its social media content mimics Philadelphia's visual style and promotional strategy.	There is imitation of digital communication strategies (digital branding plagiarism) through similarities in visual style and promotional tone on social media.
Business Owner Content	The owner made a video alluding to alleged copying of the brand and concept by Blue Plate.	Creating promotional content with a similar appearance and presentation style has triggered public comments regarding plagiarism.	Shows indications of creative plagiarism (creative content copying) because the promotional content imitates the presentation method and concept of competitors' videos.
Food Reviewer and Public Content	Reviewed by culinary professionals and celebrities, strengthening the brand's exclusive image.	Reviewed by netizens using the keyword "Philadelpia Bali" in their content opening.	Including indirect plagiarism (indirect brand exploitation) because it uses a competitor's brand name to attract public attention and increase visibility.

Analysis of Potential Violations Based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications

The discussion of the potential for plagiarism in the cases of Philadelphia Sushi Bali and Blue Plate Sushi Bintaro can begin by reviewing various aspects that indicate similarities in identity and business concepts. The similarities are not only apparent in the names, but also in visual elements such as logos, product displays, communication styles, and digital promotional strategies. In the context of trademark law, all of these elements fall within the scope of protection as stipulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Any aspect that creates a similar impression and has the potential to confuse consumers can be considered a violation of the exclusive rights of the former trademark owner. Through an analysis of several articles in the law, it is clear that similarities in logos, product appearances, business profiles, promotional styles, and even the use of brand names in public content have the strong potential to be categorized as trademark and trade concept plagiarism. This provides an important basis for assessing the extent to which Blue Plate Sushi Bintaro can legally be considered to have violated the intellectual property rights previously held by Philadelphia Sushi Bali.

Table 2. a

Aspect	Case Description	Relevant Articles	Article Sound	Plagiarism Potential Analysis
Logo	Philadelphia Sushi Bali uses a modern logo with an exclusive look; Blue Plate Sushi Bintaro features a similar logo and visual feel (colors, typography, and design style).	Article 1 paragraph (1)	"A brand is a sign that can be displayed graphically in the form of an image, logo, name, word, letter, number, color arrangement, in two-dimensional and/or three-dimensional form, sound, hologram, or a combination of two or more of these elements to distinguish goods and/or services produced by a person or legal entity in the trading of goods and/or services."	Because logos are brand elements, the similarity of Blue Plate's visual appearance to Philadelphia could be categorized as a form of visual brand plagiarism, especially if the similarity creates the perception that the two businesses have a business relationship.
Product Display (Appearance and Presentation Concept)	Both businesses feature sushi in a modern, premium style, using similar packaging and a nearly identical serving table layout.	Article 21 paragraph (1) letters a and b	"A trademark registration application will be rejected if the trademark is essentially or entirely similar to: a. a registered trademark belonging to another party or previously applied for by another party for similar goods and/or services; or b. a well-known trademark belonging to another party for similar goods and/or services."	Because Philadelphia had already been operating, the similarity in product appearance by Blue Plate could be considered as plagiarism of the trade concept, namely imitating the visual style and customer experience that the public is already familiar with from the previous brand.
Business Profile and Image	Philadelphia projects the image of a luxury restaurant with a public figure owner;	Article 20 letter b	"A trademark cannot be registered if it contains elements that mislead the public about the	If the similarity of concept causes consumers to think that Blue Plate is a branch or

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	Blue Plate presents a similar concept but on a small business scale, without the owner's identity being clearly identified.		origin, quality, type, size, kind, or intended use of the goods and/or services for which registration is requested."	another version of Philadelphia, then this can be categorized as plagiarism of business identity that is misleading (deceptive similarity).
Website and Social Media	Philadelphia has a professional website and a strong branding message ("we don't copy"); Blue Plate only has social media but uses a similar visual communication style and content.	Article 21 paragraph (1) letter b	"A trademark registration application will be rejected if the trademark is essentially or entirely similar to a well-known trademark belonging to another party for similar goods and/or services."	Using similar digital communication styles and narratives can potentially be considered brand plagiarism, especially if the goal is to reach the same audience. Similar visual styles in digital media can create the impression of a direct connection between brands.
Business Owner Content	Philadelphia's owner made a satirical video criticizing the alleged copycat; Blue Plate's content sparked a public backlash, with critics suggesting it was a copycat.	Article 83 paragraph (1)	"The owner of a registered trademark may file a lawsuit against another party who unlawfully uses a trademark that is essentially or wholly similar to it for similar goods and/or services in the form of: a. a claim for damages; and/or b. the cessation of all acts related to the use of the trademark."	If the similarity is proven to have been done intentionally to imitate or exploit Philadelphia's reputation, then the previous trademark owner has the right to sue on the basis of infringement of the trademark's exclusive rights.
Food Reviewer and Public Content	Blue Plate reviewers frequently use the keyword "Philadelphia Bali" in their videos, causing public confusion.	Article 100 paragraph (2)	"Any person who without the right uses a trademark that is essentially similar to a registered trademark belonging to another party for similar goods and/or services produced and/or traded, shall be punished with imprisonment for a maximum of 4 (four) years and/or a maximum fine of Rp. 2,000,000,000.00."	The unauthorized use of the Philadelphia name as a promotional keyword can be considered indirect trademark infringement because it exploits the brand's previous popularity to attract market attention.

CONCLUSION

A study of the cases of Philadelphia Sushi Bali and Blue Plate Sushi Bintaro shows that similarities in logos, product appearance, and digital communication strategies have the potential to be categorized as a form of brand and trade concept plagiarism. Based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications, visual elements such as logos and packaging designs are included in the legal protection of brands. Therefore, any

similarity that causes confusion among consumers can be considered a violation of the exclusive rights of the former brand owner. The analysis also shows that the practice of brand identity imitation, both directly and through digital media, has the potential to reduce the value of originality and disrupt healthy business competition. In this regard, the government, through the Directorate General of Intellectual Property, needs to strengthen oversight mechanisms for the registration and use of trademarks with similar trade concepts to prevent intellectual property rights violations. Furthermore, businesses are advised to conduct in-depth research before selecting a name, logo, or promotional style to avoid violating the rights of others. Legal education for MSMEs regarding the limits of trademark protection and business ethics is also needed to prevent plagiarism, which harms creativity and innovation in the business world.

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