



Legal Protection of Copyright and Trademark Rights In the Goods Business

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Abstract - This research explores various aspects of legal protection for copyright and trademark rights in the goods business, as well as efforts to strengthen this protection. This study aims to answer several key questions, including the effectiveness of existing legal frameworks in protecting copyright and trademarks, as well as the challenges faced in enforcing these rights in the global marketplace. This research specifically identifies gaps in regulation and problems such as inconsistent law enforcement, inadequate protection of new innovations, and difficulties in effectively addressing rights violations. By detailing these issues, this study aims to provide strategic recommendations that can address deficiencies in current legal protection and increase support for rights owners in the goods industry. Effective legal protection in these areas supports innovation and creativity, fosters consumer trust, and contributes to economic growth. However, the enforcement of these rights faces challenges, especially with the rise of digital platforms and global markets, which can complicate both infringement and enforcement processes.

Keywords: legal protection, copyright, brand rights, business goods, intellectual property, innovation, law enforcement

I. INTRODUCTION

In today's social reality, where the economic and business fields play an important role in human life, people often face problems related to intellectual property rights. One of the things that needs to be done is to protect and enforce intellectual property rights in the form of trademark rights, industrial designs, trade secrets, integrated circuit designs, and plant patents. The purpose of the protection and respect for these rights is to encourage new inventions in the field of technology, taking into account the interests of producers and consumers, using technical knowledge in a balanced manner (Semaun, 2016). Although each category of intellectual property rights has its own characteristics and protection mechanisms, the main focus of this research is on copyright and trademark rights. These two types of rights play a vital role in preserving creativity and innovation goods sector, providing legal guarantees for creators and brand owners, and preventing violations that could harm the economy and reputation.

However, although legal protection for copyright and trademark rights has been regulated in various laws and international agreements, there are still a number of challenges in its implementation. Gaps in regulations, incompatibility between national and international law, and difficulties in enforcing these rights are the main issues that need to be addressed. In the context of the goods business, these challenges include rights violations committed by irresponsible parties, inadequate supervision, and the negative impact of counterfeiting and brand imitation. In the era of globalization and technological progress, intellectual property

rights (IPR) play an increasingly important role in protecting innovation and creation. Among the various forms of IPR, copyright and trademark rights stand out as two main aspects that make a significant contribution to the management and protection of intellectual assets in goods businesses.

Novels, artwork, and musical compositions are granted a type of legal protection known as copyright (Arifin, et al., 2020). Creators now have the sole authority to decide how, where, and how their work is used and replicated. The copyright protection not only ensures that creators receive credit for their work, but also prevents third parties from duplicating or using it without permission. In the goods industry, copyright often applies to original product designs, packaging and promotional materials. With copyright, creators and owners of works can protect their creative value from imitation and infringement. Rights must be protected, especially in terms of research and development, for organizations and universities that produce many scientific publications, books, and software (Thalib, 2013). Meanwhile, trademark rights focus on protecting the commercial identity of products and services. Trademarks include names, logos, slogans, and design elements used to differentiate the products or services of one business entity from those of another (Jannah, 2018). Trademark rights give the owner the exclusive right to use the mark and prevent third parties from using it that could confuse consumers or damage the brand's reputation. This protection is critical to maintaining brand authenticity, preventing counterfeiting, and ensuring that consumers can easily recognize and trust the quality of the products they purchase. But in reality, it is not uncommon for trademark rights to registered products to result in illegal activities that lead to unfair competition, counterfeiting or improper use of certain trademarks (Gultom, 2014)

Protection of copyright and trademark rights is regulated by various regulations and laws that provide the legal basis for the enforcement of these rights (Eddy Damian, 2005). Internationally, copyright is regulated by the Berne Convention for the Protection of Literary and Artistic Works, which guarantees copyright status in numerous nations and establishes basic requirements for copyright protection. Furthermore, the World Trade Organization (WTO) member nations are required to abide by the protection standards set forth in the TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement, which governs copyright and trademark protection in the context of international trade. The Madrid Protocol, which permits uniform trademark registration across national borders, and the Madrid Agreement, which offers a legal framework for the registration and enforcement of trademark rights globally, govern international protection for trademark rights (Faradz, 2008). Every nation has unique national laws pertaining to trademark and copyright protection.

However, although copyright and trademark rights are legally regulated through various laws and international treaties, implementing and enforcing this protection often faces challenges. Gaps in regulations, differences between national and international law, and difficulties in dealing with rights violations are the main problems that need to be addressed. These gaps can result in economic and reputational losses for rights owners and reduce consumer confidence. This research aims to explain the importance of copyright and trademark rights in protecting intellectual assets in the goods business, as well as to identify challenges and gaps in the current legal protection framework. By understanding these issues, this research aims to provide insights and recommendations that can strengthen legal protection and support the interests of rights owners in the global marketplace.

II. METHOD

This review used a qualitative research approach, specially literature-based studies. The primary tool in qualitative research, which analyzes the state of natural objects, is the researcher (Sugiyono, 2005). The distinction with quantitative research is that it begins with facts, draws conclusions from extant theory, and develops a theory at the end.

After conducting research and analysis pertaining to the notion of qualitative research, Moleong came up with his own definition, which encapsulated the key ideas behind comprehending the field. In accordance with Moleong (2005:6), qualitative research aims to comprehend phenomena pertaining to research subjects' experiences, such as behavior, perceptions, motivations, actions, etc. holistically. To achieve this, descriptions in the form of

words and language are used, along with a specific natural context and a variety of natural methods.

A literature-based qualitative research approach focuses on synthesizing and analyzing existing scholarly literature to explore specific research questions about copyright and trademark protection. This method involves an in-depth examination of published materials to develop a comprehensive understanding of the topic. Here's a structured approach: Define Research Questions and Objectives, conduct a Comprehensive Literature Review, Analyze Key Themes and Patterns, Synthesize Findings, Discuss Implications, Reflect on Limitations, Document and Present Findings.

III. RESULT AND DISCUSSION

1. Copyright Legal Protection

Copyright law protection is a mechanism designed to protect unique creations by one person, including pieces of music, art, literature, and design (Saidin, 2019). This protection aims to ensure that creators receive credit and financial benefits from the work they produce. Apart from that, copyright protection also encourages innovation and creativity by providing legal guarantees that original works will not be used carelessly by other parties. Regulations regarding copyright are governed by various laws and international treaties that provide the legal basis for the protection of original works (Anggraen, A. D., et al 2021). At the international level, one of the main treaties is the Bern Convention for the Protection of Literary and Artistic Works, which establishes minimum standards for copyright protection and guarantees the recognition of copyright among its member states. The TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement also plays an important role by establishing copyright protection requirements as part of the commitments of World Trade Organization (WTO) member countries.

Every nation has unique copyright laws at the national level. For instance, Indonesia's Law Number 28 of 2014 concerning Copyright governs copyright protection. This law gives authors the sole right to their original works, including moral and economic rights to preserve the integrity and reputation of the work as well as the right to profit financially, (Gatot Suparmono, 2010). This regulation also includes provisions regarding copyright infringement and legal enforcement mechanisms, including sanctions for parties who commit violations. Law Number 28 of 2014 concerning Copyright in Indonesia provides a legal framework for the protection of copyrighted works. This law regulates various aspects of copyright, including the rights granted to creators, types of copyright, and legal enforcement mechanisms (Bafadhah 2018). Here are some important points of this law related to copyright protection :

1. **Economic Rights and Moral Rights:** This law differentiates between economic rights and moral rights. Economic rights give the creator the exclusive right to make commercial use of the copyrighted work, such as reproduction, distribution and creation of derivatives. Moral rights protect the personal interests of the creator, such as the right to claim ownership and the right to protect the integrity of the work from detrimental changes.
2. **Protection Period:** Copyright protection in Indonesia is granted during the life of the author plus 70 years after death. For works created by several people (joint works), protection lasts for 70 years after the death of the last creator. Once this period expires, the work will enter the public domain and may be used without permission.
3. **Types of Works Protected:** This law protects various types of works, including literary works, art, music, films, and computer programs. Protection covers forms of work that are realized in media that can be touched or scanned, as well as rights to the production results of the work.
4. **Copyright Registration:** Although copyright applies automatically when a work is created and manifests in a tangible form, this law also allows for copyright registration as a means of obtaining valid legal evidence of ownership and date of creation of the work.

5. Violations and Sanctions: This law provides sanctions for copyright violations, including fines and imprisonment. This aims to protect the creator's rights from unauthorized use of the work and ensure compliance with applicable regulations.
6. Arrangements in Dispute Resolution Cases: This law also provides dispute resolution mechanisms, both through administrative channels and court channels. It provides solutions for creators and copyright owners in dealing with violations or disputes related to their copyrights.

Law Number 28 of 2014 provides comprehensive legal protection for copyright by regulating the rights of creators, the period of protection, types of works protected, and legal enforcement mechanisms (Marali, et al 2021). Although these laws provide a strong legal basis, challenges in law enforcement and awareness about copyright remain issues that need to be addressed to ensure effective protection.

Copyright plays an important role in supporting good business by protecting the creative and innovative elements of a company (Istri, 2009). By providing legal protection to original works such as product designs, marketing materials, and digital content, copyright ensures that a company's innovations are not copied or used without permission, which prevents economic loss and maintains competitive advantage. This protection also strengthens a brand's reputation by maintaining the consistency and integrity of a company's visual identity, and allows companies to exploit their work commercially through licensing and royalty revenue. Additionally, copyright provides a legal basis for dealing with infringement and imitation, protecting a company's intellectual property and maintaining a fair market. In this way, copyright contributes to effective business management, supporting the growth and sustainability of companies.

2. Legal Protection of Digital Work Copyright

Digital work copyright is a form of legal protection given to creators of works that are realized in digital format, such as software, music, video, text, images and other multimedia materials. This definition includes the exclusive rights that creators or copyright owners have to control how their digital works are used, distributed and published. This protection is granted automatically when a digital work is created and realized in a form that can be saved or scanned, without the need for formal registration, although registration may provide additional benefits such as legal proof of ownership. In the digital era, copyright protection has become increasingly important because digital works are easily duplicated and widely distributed via the internet (Haqqi, 2018). Therefore, additional technologies such as digital rights management (DRM) systems, watermarking, and encryption are often used to prevent copyright infringement and ensure that digital works are used in accordance with applicable legal provisions. Digital work copyright, therefore, functions to maintain a balance between protecting the creator's rights and public access to digital information and works.

Copyright enforcement in the digital world requires proactive steps to identify and act on violations. This involves online monitoring, reporting violations to internet service providers and digital platforms, and filing legal claims if necessary. Challenges in law enforcement include cross-border jurisdiction issues and difficulties in tracing violations committed anonymously on the internet. Copyright protection for digital works is also regulated by international agreements such as the Bern Convention and the TRIPS Agreement. This agreement sets copyright protection standards that member countries must adopt, ensuring that digital works are protected consistently across jurisdictions. Overall, copyright legal protection of digital works serves to safeguard the rights of creators, ensure that their work is not used without permission, and enable creators to obtain economic benefits from their work. By combining legal protection, technology, and enforcement, the copyright system attempts to meet the unique challenges posed by the digital era.

3. Trademark Right in The Good Business

In the business world, fierce business competition is of course inevitable, so it is difficult to deny the level of deviant business behavior, so that the more developed the Indonesian industry, the more violations occur. Every company that creates products with its own design

certainly has its own brand that is designed to distinguish one company from another, of course a trademark whose rights are registered so that it cannot be imitated or used by anyone except the owner (Maheswari et al., 2021). A trademark is a mark that can be used to distinguish a good or service from other goods or services. So that consumers can make each brand stand out, particularly for comparable products or services (Dwi 2019). According to the contents of this article, the brand owner and customers who utilize the company's products or services both place a high value on the brand mission. Thus, measures to guarantee protection need to be taken. Because some parties do not have the right to use it, customers are not damaged and brand owners are protected thanks to this protection. (Mirfa, 2016).

The Trademark Law divides trademarks into two parts, namely trademarks and service marks according to Article 2(2) of the Trademark Law as follows:

1. A trademark is a trademark used on a product to be traded by a business entity operating in the community and used. To support an activity or lifestyle, usually the brand here is a well-known brand and is synonymous with luxury and expensive goods;
2. A service brand is a brand that operates in the community in the field of services or services with other brands or goods. Service brands are different from other services in the community (Prasetia et al., 2020).

The Trademark Act also defines collective trademarks. A collective trademark is a trademark used for goods and/or services that have the same nature, general characteristics, quality of goods or services and their management, and are traded by several people or legal entities to distinguish them. from one person to another. such goods and/or other services belonging to others. An application for registration of a brand or service mark as a collective mark will only be accepted if the service application states that the mark is used as a collective mark (Dewi, 2019). Trademark rights are unique and exclusive, which is why they are protected by law (Gunawan, 2022). Due to the monopolistic nature of this particular privilege, only the owner of the brand may utilize it. Without the owner of the trademark's consent, others are not permitted to exploit these unique rights. If someone else makes use of the exclusive right without the trademark owner's consent, this is considered a violation and may result in repercussions (Nirwana, 2023). Repressive law enforcement, often known as repressive police, is the last line of defense. Preventive law enforcement, on the other hand, is the protection offered by the government with the intention of preventing infractions before they occur.

Legal protection of a brand is a mechanism designed to protect the commercial identity of a company or product from unauthorized use by others. Brands include signs, symbols, names, logos, slogans, and other visual elements used to differentiate one party's goods or services from others in the marketplace (Hascaryaningrum 2022). Brand protection is provided through official registration with authorized government institutions, such as the Directorate General of Intellectual Property in Indonesia. With registration, the trademark owner obtains the exclusive right to use and control the use of the trademark in relation to certain goods or services. These exclusive rights include the right to prevent others from using identical or similar marks in a manner that could cause confusion in the marketplace, often known as trademark infringement. This protection ensures that consumers can easily identify the original source of a product or service and avoid confusion or fraud. Additionally, brand protection helps companies build and maintain their reputation and goodwill, which are important assets in building consumer trust and loyalty.

Brands can also be valuable commercial assets, which can be sold, licensed, or used as collateral to obtain financing. Enforcement of trademark rights includes taking legal action against violators, which may include lawsuits to stop infringing use and claims for damages. Trademark law also includes provisions for the removal of unused or improperly used marks, thereby maintaining fairness and order in the market. Thus, legal protection of brands plays an important role in maintaining market fairness and integrity, as well as supporting innovation and healthy competition. The Trademark Protection Act is a legal framework that regulates the rights and obligations relating to trademarks, providing legal protection to brand owners against unauthorized use and infringement (Indah, et all 2021). In Indonesia, Law Number 20 of 2016 concerning Trademarks and Geographical Indications is the main regulation

governing brand protection. This law gives registered trademark owners the exclusive right to use their trademarks in connection with certain goods or services. Trademark registration is carried out at the Directorate General of Intellectual Property, and once registered, the trademark owner has the right to prevent other parties from using identical or similar trademarks which could cause confusion in the market.

This law also regulates registration procedures, requirements that must be met for registration, and the validity period of trademark protection, which generally lasts for 10 years and can be extended (Pakpahan, et al 2021). In addition, the law includes provisions regarding trademark infringement lawsuits, which allow brand owners to sue for damages and stop infringing use. Brand infringement can include actions such as product counterfeiting, unauthorized use of a brand, and use of a brand that misleads consumers. In addition to exclusive rights, this law also regulates the removal and cancellation of brands that are not used or used incorrectly, to maintain fairness and order in the market. This legal protection aims to protect the rights of brand owners, ensure that consumers can easily identify the origin of goods or services, and encourage healthy competition and innovation in the market. Thus, the Brand Protection Law plays an important role in supporting a fair and transparent business ecosystem, as well as protecting investments in branding and reputation.

IV. CONCLUSION

The conclusion of this review is The legal protection of copyright and trademark rights is essential for maintaining a fair and competitive business environment. Copyright law safeguards the creative works of authors, artists, and other creators, ensuring they receive recognition and financial benefits from their creations. Trademark law, on the other hand, protects brand identities, helping businesses differentiate themselves in the marketplace and prevent consumer confusion. Effective legal protection in these areas supports innovation and creativity, fosters consumer trust, and contributes to economic growth. However, the enforcement of these rights faces challenges, especially with the rise of digital platforms and global markets, which can complicate both infringement and enforcement processes.

To enhance the protection of copyright and trademark rights, businesses and policymakers must continue to adapt legal frameworks and enforcement strategies (Roji, 2023). This includes addressing emerging issues, ensuring robust mechanisms for dispute resolution, and fostering international cooperation. By strengthening these protections, businesses can better safeguard their intellectual property, maintain their competitive edge, and contribute to a dynamic and ethical marketplace. However, we must remember that it can build a better and more beautiful future for our business. Applying for an intellectual property certificate includes several steps that a trader must follow. Trademarks are used to distinguish goods or services. companies that provide products or services produced by other similar companies. A trademark must be distinctive enough, meaning that it is able to distinguish the goods or services of a company from the goods or services of other companies. This shows that in Indonesia there are still many trademark violations.

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