



## Analysis of the Impact of Trademark Rights Violations on the Indonesian Economy

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Info Articles	Abstract
<b>Article History</b> Received : 2025-08-5 Revised: 2025-08-19 Published: 2025-09-30  <b>Keywords:</b> <i>trademark rights; law; infringement</i>	<p>This study aims to analyze the impact of trademark infringement on the Indonesian economy, using a normative juridical approach through legislative and conceptual approaches. The data sources used are secondary data, including primary legal materials, such as Law Number 20 of 2016 concerning Trademarks and Geographical Indications, as well as secondary legal materials, such as journals, books, and related research reports. Data collection techniques are carried out through literature studies and legal document analysis. The results of the study indicate that trademark infringement can harm the Indonesian economy in the form of lost tax revenue, decreased competitiveness of domestic products, and losses for businesses and consumers. The discussion identifies challenges in law enforcement and the need for regulatory updates and strengthened cooperation between related parties to minimize the impact of violations. This study concludes that stricter legal protection for trademark rights and public education on the importance of choosing legitimate products can improve Indonesia's economic climate, create a fairer market, and increase state revenues from the tax sector and international trade.</p>

### I. INTRODUCTION

Trademark rights are a crucial element of the intellectual property system, providing legal protection to brand owners for the identity of the products or services they offer. In Indonesia, trademark protection is regulated by Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Brands play a strategic role in the economy, as they not only symbolize product identity but also influence consumer trust, business reputation, and competitiveness in the global market (Wijanarko & Pribadi, 2022).

Law Number 20 of 2016 concerning Trademarks and Geographical Indications (Trademark & GI Law) explains that a trademark is a sign that can be displayed graphically in the form of images, logos, names, words, letters, numbers, color arrangements, in two-dimensional and/or three-dimensional forms, sounds, holograms, or a combination of two or more of these elements to distinguish goods

and/or services produced by individuals or legal entities in the trading of goods and/or services. Trademarks also contain exclusive rights granted by the state to the owner of the registered trademark, whether the trademark is used by the owner himself or given permission to another party to use it (Jaya et al., 2022).

This serves to differentiate products or services produced by one entity from those produced by another. Brands play a crucial role in commerce, helping consumers distinguish products from one company's. A registered brand provides legal protection for its owner and grants exclusive rights to use the brand in the trade of goods or services. Therefore, brand protection is crucial for maintaining fair competition in the business world and preventing practices that harm consumers and legitimate producers (Jotyka & Suputra, 2021).

Indonesia's WTO membership provides benefits to the country in terms of facilitating the

export of goods and services at lower tariffs. This opens up opportunities for Indonesia to access broader global markets. However, on the other hand, this membership also poses the risk of increased trade in counterfeit or imitation goods. These counterfeit products are generally produced at very low costs due to the use of cheap raw materials and abundant labor, making the selling price of counterfeit goods more competitive than genuine goods (Dhani et al., 2021).

In Indonesia, counterfeit goods, often referred to as KW goods, are commonly found in markets. These goods are typically counterfeit copies of well-known brands, such as electronics, household appliances, and automotive parts. These products are often sold at significantly lower prices, potentially trapping unsuspecting consumers into purchasing counterfeit goods. Therefore, strict government oversight through the Directorate of Customs and Excise is crucial to prevent the entry of counterfeit goods into Indonesia (Manurung, 2023).

The Indonesian government also provides opportunities for trademark holders to protect their products from potential counterfeiting originating from abroad. If trademark holders suspect an imported product that resembles theirs, they have the right to submit a request to the Customs Authority to conduct an inspection and suspend shipment of the goods if they are found to violate applicable Indonesian regulations. This process aims to prevent the circulation of counterfeit goods, which could harm consumers and legitimate businesses (Dhani et al., 2021).

Intellectual property infringement, including trademark infringement, not only impacts companies and consumers but also impacts economic security and the global trading system. Countries with weak trademark protection systems can become targets for the trade in counterfeit goods, which in turn can damage their international reputation. Therefore, it is crucial for Indonesia to continue strengthening its trademark protection system and involving various parties to combat the circulation of counterfeit goods in both domestic and international markets (Ramadhan et al., 2024).

However, in practice, trademark registration does not always run smoothly. One obstacle is dishonesty in trade competition. Many businesses engage in trademark infringement to gain illegitimate profits. Some common infringement practices include: First, businesses imitate well-known trademarks that already have a market and are widely recognized. These businesses create products that are nearly identical to the original, enticing consumers to purchase them at a lower price. This can result in losses for the original brand owner, who loses market share and reputation.

Second, businesses produce goods similar to existing products and then sell them at nearly the same or lower prices. This is done in the hope of attracting price-sensitive consumers, without considering product quality or brand authenticity. Third, businesses provide false information regarding the trademarks they use. The goal is to discredit or damage the reputation of existing products. This practice clearly harms other companies that have invested in their brands (Prameswari et al., 2021).

In the context of international trade, violations of intellectual property rights, including trademarks, are a serious issue. The World Trade Organization (WTO) is an institution that facilitates international trade and contains regulations regarding intellectual property protection in an agreement known as the Trade-Related Aspects of Intellectual Property Rights (TRIPs). Indonesia, as a WTO member country, is obliged to enforce laws related to intellectual property, including trademark protection, as part of its commitment to maintaining international trade governance (Munawaroh et al., 2024).

However, trademark infringement, such as counterfeiting, unauthorized use, and exploitation of well-known trademarks, remains a serious challenge facing Indonesia. Trademark infringement cases continue to increase with the development of free trade and technological advancements. The trade in counterfeit goods involving well-known brands, both in local and international markets, has caused significant economic losses for genuine brand owners, the government, and the general public.

The impact of trademark infringement on the Indonesian economy is far-reaching. One impact is the loss of potential state tax revenue. Counterfeit products in circulation are often sold through unofficial channels, so these transactions are not recorded in the tax system. Furthermore, trademark infringement also hinders foreign direct investment (FDI), as multinational companies tend to be reluctant to invest in countries with weak intellectual property law enforcement (Zulhandi, 2024).

Furthermore, trademark infringement also harms consumers. Counterfeit products often have far below-standard quality and can endanger consumer safety, as in the case of counterfeit cosmetics, food, or pharmaceuticals. Consumer trust in genuine brands can also be eroded, ultimately impacting market stability.

From a business perspective, trademark infringement creates unfair competition. Companies producing counterfeit goods can offer significantly lower prices because they don't adhere to production standards, pay royalties, or pay taxes. This makes it difficult for legitimate businesses to compete, especially small and medium enterprises (SMEs), the backbone of the Indonesian economy. SMEs often fall victim to trademark infringement due to a lack of knowledge or resources to legally protect their brands (Rizkia & Ferdiansyah, 2022).

The Indonesian government has undertaken various efforts to address trademark infringement, including strengthening regulations, enhancing the capacity of law enforcement agencies, and establishing international cooperation to combat the trade in counterfeit goods. However, significant challenges remain, particularly in terms of public awareness of the importance of respecting trademark rights and strengthening the law enforcement system. This study aims to analyze the impact of trademark infringement on the Indonesian economy, thereby providing a comprehensive overview of its economic consequences and offering effective solutions to reduce future cases of trademark infringement.

## **II. RESEARCH METHODS**

This study uses a normative juridical research method with a statutory and conceptual approach to analyze the impact of trademark infringement on the Indonesian economy. The data sources used are secondary data, in the form of primary legal materials, such as Law Number 20 of 2016 concerning Trademarks and Geographical Indications, as well as secondary legal materials, such as journals, books, and related research reports. Data collection techniques are carried out through literature studies and legal document analysis. Data are analyzed qualitatively by interpreting laws and regulations and linking them to the impact of trademark infringement on economic aspects, in order to provide relevant legal recommendations.

## **III. RESULTS AND DISCUSSION**

### **A. The Impact of Trademark Rights Violations on State Revenue**

Trademark infringement, including unauthorized use or counterfeiting, has a significant impact on the Indonesian economy, particularly on state revenue. Under Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the Indonesian government has established a system that provides legal protection for registered trademark owners. These trademark rights are granted as exclusive rights that allow the owner to use the trademark on the products or services they market (Irvan et al., 2022). A legitimate trademark is not only a symbol of a product or service but also represents a reputation and quality that has been built through time and effort. Therefore, if the trademark is infringed, the impact is not only detrimental to the trademark owner but can also reduce potential state tax revenue, which in turn impacts overall economic stability and development (Ardiansyah et al., 2024).

Trademark infringement directly results in the loss of potential tax revenue that should have been received by the state. Counterfeit products circulating in the market often do not go through legal tax procedures, so the tax potential from the sale of legitimate products cannot be maximized.

Counterfeit goods under well-known brands, for example, are often marketed without proper tax payments, such as Value Added Tax (VAT) and Income Tax (PPh). These counterfeit products, which are usually sold at lower prices than genuine products, not only deceive consumers but also harm the state, which loses a significant portion of tax revenue that should have been obtained from transactions with legitimate goods. On the other hand, companies that produce goods under registered brands and fulfill their tax obligations also feel pressured because their products cannot compete with cheaper counterfeit goods. In this case, trademark infringement harms the state's economy as a whole, both in terms of lost tax revenue and unfair competition in the market.

Furthermore, the marketing of counterfeit goods is not only detrimental fiscally but also impacts Indonesia's international trade sector, particularly exports. Many of Indonesia's export destinations enforce strict standards for products with legitimate intellectual property rights. This includes standards regarding the use of legitimate brands and product quality that meets international regulations (Ramadhan et al., 2024). If Indonesian products are produced using infringing or unauthorized brands, the export destination country may block market access for those products. This situation will reduce the competitiveness of Indonesian products in the global market and ultimately lead to a decline in export volumes. Reduced exports mean reduced state revenues derived from the international trade sector. In turn, this could also impact Indonesia's broader economic resilience, given the significant influence of the trade sector on the Indonesian economy.

In efforts to address the impact of trademark infringement, Indonesia's law enforcement system plays a crucial role. The Food and Drug Monitoring Agency (BPOM) and the Directorate General of Taxes need to strengthen cooperation in monitoring and supervising products on the market, and take firm action against any violations discovered. Preventive measures taken to control the circulation of counterfeit goods in the market, such as monitoring imported goods

and merchandise distribution, need to be strengthened. Furthermore, regulatory updates related to trademark rights also need to be considered so that the legal system can be more responsive to the increasingly rapid developments in technology and e-commerce. For example, the development of online commerce (*e-commerce*) requires regulations that can govern trade transactions involving registered brands and provide protection to consumers and producers. In this regard, stronger law enforcement against trademark infringement will provide better protection for legitimate brand owners and potentially increase state revenue from the tax sector.

From a long-term perspective, the detrimental impact of trademark infringement on state revenues can worsen the international community's perception of Indonesia's investment climate. Countries with high rates of intellectual property rights infringement will find it more difficult to attract foreign investment, as investors tend to be reluctant to invest in markets that fail to adequately protect their intellectual property rights. Without adequate protection for intellectual property, including trademarks, it will be difficult for companies to feel secure and comfortable in conducting their business. Therefore, strengthening the trademark protection system, supported by firm and fair law enforcement, is crucial to creating a more conducive environment for national economic growth.

Strengthening trademark protection in Indonesia can also have a positive impact on the development of domestic industries, including manufacturing, technology, and the creative sector (Syarief & Pratiwi, 2025). Well-protected trademarks will help create an Indonesian product identity that can compete in the global market. With this increased competitiveness, it is hoped that economic sectors that depend on trademarks will develop more rapidly, creating new jobs, and ultimately supporting sustainable economic growth. Through planned steps, both in terms of strengthening the legal system and increasing public awareness of the importance of intellectual property rights, Indonesia can

minimize economic losses due to trademark infringement and create a healthier environment for future business development and investment.

## **B. Economic Losses for Business Actors**

Trademark infringement not only causes significant financial losses for the state but also has a significant impact on businesses, both large corporations and Micro, Small, and Medium Enterprises (MSMEs). The most immediate impact felt by businesses is the reduction in sales of genuine products due to the presence of counterfeit products in the market. A brand that a company has painstakingly built can be destroyed in an instant if someone intentionally counterfeits or imitates it. A legitimate trademark is a valuable asset for any company, and any violation of this trademark rights will damage the value and reputation that has been built over many years. Based on Article 93 of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, registered trademark owners have the right to report trademark infringement and seek compensation if their trademark is used without permission. However, this legal process is not always easy for small businesses with limited resources, financial capabilities, and legal knowledge. Many businesses find it difficult to pursue legal proceedings, which are time-consuming and expensive, forcing them to give up or being unable to obtain adequate protection (Rahmawati et al., 2024).

The marketing of unregistered counterfeit goods and the use of trademarks similar to or identical to registered brands leads to a decline in demand for genuine products (Ardiansyah et al., 2024). Counterfeit products are often sold at lower prices, and price-sensitive consumers are often tempted to purchase counterfeit products even though the quality is far below standard. In this case, while counterfeit products may be attractive to consumers due to their price, they are unaware of or indifferent to the potential losses incurred by purchasing such goods. This impact is highly detrimental to companies, especially those who have invested significant time and money in building their brand reputation in the market. Counterfeit products

that resemble well-known brands often deceive consumers, and this reduces the value of established brands. Companies that must compete with counterfeit products are often forced to lower their prices, resulting in lower profit margins or even greater losses. This negative impact not only harms the company financially but can also affect the morale and motivation of business owners to continue developing their products.

The economic losses suffered by businesses are not limited to lost sales, but also include the costs required to restore brand reputation and educate consumers about the differences between genuine and counterfeit products (Adristy et al., 2024). Many companies are forced to incur additional costs for more aggressive remarketing, promotional, or advertising campaigns to raise consumer awareness of the quality and authenticity of their products. Companies also need to ensure that their product quality is maintained to avoid the impression of counterfeit goods. However, the cost of resolving trademark infringement is not cheap and can be very burdensome, especially for companies with limited resources. The lengthy legal process and the high costs of involving lawyers or legal experts in suing trademark infringers further worsen a company's financial situation, leading some companies to choose not to pursue legal action because they feel the costs are too high.

For MSMEs, the impact of trademark infringement can be devastating (Rahmawati et al., 2024). Many small businesses rely on a single product with a brand name recognized by local customers. When counterfeit products enter the market using the same or very similar brand, their brand can be tarnished and difficult to recover, as they lack the funds and resources to pursue necessary legal action. Furthermore, they lack the ability to conduct extensive remarketing campaigns or effectively educate the market. This can result in greater losses for MSMEs, potentially even leading to bankruptcy, as they cannot compete with the lower prices of counterfeit products. In many cases, counterfeit products sold at significantly lower prices than genuine

products can force MSMEs to lower their prices, which threatens their business continuity.

MSMEs affected by trademark infringement must also allocate resources to tighten distribution oversight and take preventive measures to prevent the further spread of counterfeit products (Kurnianingrum et al., 2021). They often have to collaborate with authorities, such as the police, Customs, or the Directorate General of Intellectual Property Rights, to combat counterfeit products and ensure their products remain legally registered. However, this process requires significant investment in time, effort, and costs. At the same time, the impact on company revenue can be significant, as diverting focus to addressing trademark issues can disrupt core business operations. Furthermore, companies that are continually involved in legal battles or issues related to trademark infringement can also lose their reputation in the market, leading to a decline in consumer and business partner trust.

Therefore, in addition to stricter law enforcement efforts against trademark infringement, it is crucial for the government to provide support to MSMEs in addressing this issue. This support can include education on the importance of trademark protection, easier access to trademark registration, and legal assistance or facilitation to obtain trademark protection more efficiently. With better legal protection, small businesses will feel more secure and valued, allowing them to focus more on developing their products and competing more fairly in the market. If businesses feel that their rights are protected, they will be more motivated to innovate and improve product quality, which in turn will contribute to healthier and more sustainable economic growth.

It's important to recognize that combating trademark infringement is not solely the responsibility of governments and large businesses, but also a collaborative effort involving consumers, the business community, and all stakeholders in building a fair, transparent, and sustainable trade ecosystem. This is crucial for creating a conducive business climate and encouraging the competitiveness of local products in the global market, as well as ensuring that every

business, large and small, can benefit from the protection afforded by the existing legal system.

### **C. Social Impact and Consumer Trust**

The social impact of trademark infringement, particularly regarding consumer trust, is significant and long-term (Damayanti et al., 2024). Consumer trust in a brand is an invaluable asset to a company and its success. This trust is built not only through consistent product quality but also through the experiences and relationships consumers have with the brand. When counterfeit products circulate in the market, consumers tend to doubt the quality and reliability of legitimate brands, even if the genuine products are of better quality and safer. One of the main impacts of trademark infringement is a loss of consumer trust in legitimate products, as they often cannot distinguish between genuine and counterfeit products, or cannot determine whether the products they purchase are safe and of guaranteed quality.

Counterfeit products sold at lower prices often contain low-quality or even dangerous ingredients, particularly in the health, cosmetics, and food sectors (Anugrah et al., 2024). These products not only harm legitimate businesses but can also cause physical or health harm to consumers who are unaware that they are consuming or using unsafe products. In many cases, counterfeit products circulating in the market can contain hazardous chemicals, unsafe additives, or synthetic materials that do not meet health and safety standards. In this regard, the Consumer Protection Law, stipulated in Law Number 8 of 1999, regulates consumers' rights to obtain safe and quality products. When consumers feel disadvantaged or even threatened by counterfeit products that endanger their health, they will lose trust in legitimate brands, even if the genuine product is actually safe and high-quality. This will increase social harm, as consumers become more skeptical and anxious about making purchases, which can impact the entire trade ecosystem.

Kepercayaan konsumen adalah salah satu faktor utama dalam menjaga hubungan jangka panjang antara konsumen dan merek (putra &

Sumantik, 2024). Ketika kepercayaan ini terganggu, maka perusahaan harus berupaya keras untuk memulihkan reputasi mereka. Proses ini melibatkan biaya yang tinggi, waktu yang lama, serta upaya yang signifikan untuk membangun kembali citra merek yang telah rusak. Memulihkan kepercayaan konsumen tidak hanya melibatkan tindakan hukum, tetapi juga memerlukan upaya untuk melakukan edukasi kepada konsumen mengenai pentingnya membeli produk asli dan menghindari barang palsu. Tindakan ini juga melibatkan penggunaan teknologi untuk memastikan bahwa produk yang mereka jual terjamin keasliannya. Misalnya, perusahaan dapat mengimplementasikan sistem pelacakan produk, seperti penggunaan barcode atau sistem verifikasi digital, yang memungkinkan konsumen untuk memeriksa keaslian produk sebelum melakukan pembelian. Selain itu, perusahaan harus meningkatkan transparansi dalam produksi dan distribusi produk mereka, sehingga konsumen merasa lebih yakin dan terjamin dalam membeli barang dari merek yang sah.

Selain itu, dalam jangka panjang, dampak sosial dari pelanggaran hak merek dapat memperburuk iklim bisnis secara keseluruhan. Ketika konsumen merasa kecewa dengan produk palsu, mereka mungkin akan menghindari pembelian barang tertentu sama sekali, atau mereka akan lebih berhati-hati dalam memilih produk yang mereka beli (Suci dkk., 2024). Hal ini mengarah pada penurunan daya beli, karena konsumen akan lebih selektif dan cemas dalam memilih produk yang mereka percayai, bahkan jika produk tersebut merupakan produk asli dengan kualitas tinggi. Penurunan daya beli ini pada gilirannya akan mempengaruhi perekonomian secara keseluruhan, karena berkurangnya konsumsi dapat menghambat pertumbuhan ekonomi. Sektor-sektor ekonomi yang sangat bergantung pada kepercayaan konsumen, seperti sektor ritel, makanan dan minuman, serta produk kesehatan dan kecantikan, akan merasakan dampak yang sangat besar dari beredarnya produk palsu. Jika konsumen kehilangan kepercayaan terhadap merek yang sah, maka mereka mungkin akan mengurangi

pembelian barang secara umum, yang dapat menyebabkan penurunan permintaan barang dan jasa di seluruh pasar.

The government's role in educating the public about the importance of choosing legitimate products is crucial in preventing these social impacts. The government needs to develop educational programs that not only raise consumer awareness about the dangers of counterfeit products but also provide information about consumer rights, such as the right to safe and high-quality products. Furthermore, authorities must collaborate more closely with businesses to ensure that products circulating in the market meet established standards. The government also needs to strengthen the monitoring and enforcement system for trademark infringement to protect the market from the circulation of counterfeit goods that harm consumers and legitimate businesses. Strict and transparent law enforcement will help create a fairer market and reduce the circulation of counterfeit goods that harm consumers and legitimate businesses.

Furthermore, trademark protection is not only a right of trademark owners but also a shared interest for the wider community (Sinaga et al., 2024). This concerns not only economic interests but also social welfare and public health. When counterfeit products damage the reputation of legitimate brands and endanger consumer health, the entire community suffers. Therefore, it is crucial for the government and businesses to work together proactively to combat the circulation of counterfeit goods and ensure that the market is free from unsafe products. By taking these preventive measures, we not only protect consumers from the dangers of counterfeit products but also support healthy and sustainable business continuity. A market free from counterfeit products will create a conducive business climate, increase the competitiveness of genuine products, and ultimately contribute to more inclusive and sustainable economic progress.

In the long term, successfully addressing trademark infringement issues will improve overall social welfare, as consumers will feel more

secure and confident in making purchases, while legitimate businesses will benefit from a more transparent and fair market. This will create a healthier business environment, where companies can innovate and grow without worrying about the threat of counterfeit products disrupting the market. At the same time, society will benefit from higher-quality and safer products, which in turn will improve their quality of life.

#### IV. CONCLUSION AND SUGGESTIONS

##### A. Conclusion

Trademark infringement has a significant impact on the Indonesian economy, both at the macro and micro levels. At the macro level, trademark infringement reduces state revenue due to reduced taxes that should be collected from the sale of genuine products, and reduces the competitiveness of domestic industries. Meanwhile, at the micro level, businesses, particularly Micro, Small, and Medium Enterprises (MSMEs), experience significant financial losses, including lost sales, tarnished brand reputations, and additional costs for recovery and consumer education.

Furthermore, the social impact of a loss of consumer trust in genuine products also contributes to a decline in purchasing power, which in turn can worsen the overall economic climate. Therefore, to reduce future trademark infringements, a more assertive approach to law enforcement, increased public awareness of the importance of choosing genuine products, and collaboration between the government, businesses, and the public to combat the circulation of counterfeit goods is needed. These measures are expected to create a fairer, safer, and more conducive market for sustainable economic growth in Indonesia.

##### B. Suggestion

Based on these conclusions, it is recommended that the government strengthen law enforcement against trademark infringement through stricter supervision and the imposition of strict sanctions. Businesses, particularly MSMEs, need to improve brand protection and educate consumers about the importance of genuine products. Furthermore,

collaboration between the government, businesses, and the public must be strengthened to raise collective awareness in combating the circulation of counterfeit goods and supporting fair and sustainable economic growth.

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