

Legal Protection Against Trademark Counterfeiting in Micro, Small, and Medium Enterprise Products in Banyumas Region

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Abstract

This study investigates trademark counterfeiting in micro, small, and medium enterprises (MSMEs) in the Banyumas region. It aims to understand and analyze the legal framework for protection against trademark counterfeiting under Law No. 20 of 2016 on Trademarks and Geographical Indications and to evaluate the legal protection for MSME products in Banyumas. The research employs a juridical-empirical method using both legislative and case-based approaches. Data types and sources include primary and secondary data collected through observation, interviews, and documentation, with qualitative data analysis techniques. The results indicate that legal provisions allow for criminal sanctions for trademark counterfeiting, as Articles 100 and 102 specified. In addition to criminal penalties, counterfeiters may also face civil sanctions, including compensation claims or cessation of all activities related to using the counterfeit trademark, as outlined in Article 83. However, legal protection against trademark counterfeiting for MSME products in Banyumas is still not optimal.

Keywords: counterfeiting; legal protection; trademarks; MSMEs.

Abstrak

Penelitian ini mengkaji mengenai pemalsuan merek dagang pada produk usaha mikro kecil dan menengah di wilayah Banyumas yang bertujuan untuk mengetahui dan menganalisa bagaimana pengaturan hukum mengenai perlindungan terhadap pemalsuan merek dagang menurut Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis dan bagaimana perlindungan hukum terhadap pemalsuan merek dagang pada produk usaha mikro kecil dan menengah di wilayah Banyumas. Penelitian ini dilakukan dengan menggunakan metode penelitian yuridis empiris adapun pendekatan yang digunakan adalah pendekatan perundang-undangan dan pendekatan kasus. Jenis dan sumber data dalam penelitian ini adalah data primer serta sekunder dengan menggunakan teknik pengumpulan data observasi, wawancara dan dokumentasi. Teknik analisis data secara kualitatif. Hasil dalam penelitian ini menunjukkan bahwa pengaturan hukum mengenai perlindungan terhadap pemalsuan merek dagang yang diproduksi dengan cara memalsukan maka dapat diberikan sanksi pidana sebagaimana diatur dalam Pasal 100 dan Pasal 102, selain sanksi pidana tindakan pemalsuan merek dagang juga dapat diancam dengan sanksi perdata dalam bentuk gugatan ganti rugi atau penghentian semua perbuatan yang berkaitan dengan penggunaan merek dagang tersebut, hal ini diatur dalam Pasal 83. Adapun Perlindungan hukum terhadap

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pemalsuan merek dagang pada produk UMKM di wilayah Banyumas terhadap merek dagang pada produk yang dipalsukan masih belum optimal.

Kata kunci: *merek dagang; perlindungan hukum; pemalsuan; UMKM.*

1. INTRODUCTION

Intellectual Property Rights (IPR) are one of the legal aspects of business that require serious attention. Intellectual Property Rights (IPR) refer to the exclusive rights granted to individuals or a group of individuals over their creative works. IPR is closely related to other legal aspects, including technology, economics, and the arts, as intellectual property arises from human intellect, which serves as the core or object of its regulation.¹

Indonesia still lacks awareness regarding the importance of protecting Intellectual Property Rights, which can generate significant economic value in business and trade. Undeniably, business and trade sectors are closely linked to intellectual property. Every business inherently possesses intellectual property. Generally, Intellectual Property Rights are categorized into two main groups: Copyright and Industrial Property Rights.²

Intellectual Property issues involve various aspects, including technology, industry, society, culture, and others. One of the most frequent issues is related to trademarks. According to Law No. 20 of 2016 on Trademarks and Geographical Indications, a trademark is a sign displayed graphically in the form of images, logos, names, words, letters, numbers, color arrangements, or a combination thereof, used to distinguish goods or services produced by individuals or legal entities in commercial activities.

A trademark is one of the most sought-after forms of Intellectual Property Rights, particularly concerning the protection that must be enforced for traded goods or services. A trademark represents a distinguishing mark on a product with unique characteristics and a differentiating power. Therefore, producers must safeguard their trademarks from

¹ L L Himawan, "Perlindungan Hukum Hak Kekayaan Intelektual Terhadap Motif Perhiasan Emas Dan Berlian," 2021, <http://e-journal.uajy.ac.id/24292/>.

² Mazayu Masna, "Analisis Bentuk Perlindungan Hukum Terhadap Pemegang Merek Dagang Yang Terdaftar Menurut Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis," repository.um, 2019, http://repository.um-palembang.ac.id/id/eprint/4513/1/502015356_BAB_I_Daftar_Pustaka.pdf.

counterfeiting attempts. However, trademark counterfeiting remains prevalent, especially in trademark forgery.³

Trademark counterfeiting frequently occurs in the Micro, Small, and Medium Enterprises (MSME) sector, primarily driven by the desire for quick financial gain. This practice inevitably harms legitimate business owners, including MSMEs that produce genuine products. MSMEs play a significant role in the national economy and contribute to increasing the country's foreign exchange reserves. However, due to the lack of attention and legal protection for MSMEs, many Indonesian MSME products—despite their high value and traditional significance are stolen by other parties. Several factors contribute to trademark counterfeiting, including economic factors, low legal awareness, lack of socialization, and lifestyle influences. Given these issues, trademark regulations are necessary, as outlined in Law No. 20 of 2016 on Trademarks and Geographical Indications.

Banyumas Regency, located in Central Java, Indonesia, is one of the regions focusing on MSME development. The economic conditions in Banyumas are experiencing rapid growth, evidenced by the increasing number of traders and entrepreneurs shifting their mindset towards business in the commercial sector. The region's consumerist tendencies support this economic shift. The most commonly developed business sectors in Banyumas include the culinary industry and various other MSME enterprises. Consequently, these emerging businesses reduce the unemployment rate in Banyumas Regency.⁴

The rise of MSME products in Banyumas has encouraged local entrepreneurs to innovate and create new products. However, this development has also led to challenges, particularly concerning the originality of products. Many similar products with identical presentation and packaging have emerged, diminishing the originality of the pioneer

³ Hesti Ayu Wahyuni Maya Ruhtiani, Yuris Tri Naili, "Perlindungan Hukum Terhadap Merek Dagang Di Metaverse Berdasarkan Perspektif Hak Kekayaan Intelektual Maya" 4 (2022): 12–23.

⁴ Wiga Maulana Baihaqi, Christoper Prima, and Nabella Putri Widiyanto, "Pelatihan Dan Pendampingan Pendaftaran Merek Dagang Bagi Pelaku Usaha Mikro Kecil Menengah (UMKM) Di Banyumas," *Society: Jurnal Pengabdian Dan Pemberdayaan Masyarakat* 2, no. 1 (2021): 68, <https://doi.org/10.37802/society.v2i1.176>.

products. One notable issue in Banyumas is the unauthorized distribution of packaged cooking oil. This case originated from public reports regarding the alleged stockpiling of cooking oil in Cilongok, Banyumas Regency.⁵

Previous studies on this topic include research conducted in 2021 by Ni Made Dwi Ari Cahyani, Anak Agung Sagung Laksmi Dewi, and Ni Made Sukaryati Karma, which examined “Legal Protection for Trademark Holders Against Fashion Brand Counterfeiting.” Their findings indicate that trademark holders can obtain protection through preventive and repressive legal measures. Counterfeiting of well-known trademarks is addressed through criminal and civil legal proceedings, allowing trademark owners to file criminal and civil lawsuits.⁶ A 2023 study by Ismiyati Riri Puji Lestari and Tundjung Herning Sitabuana also analyzed “Legal Protection for Consumers Against Counterfeit Sugar Products in Banyumas.” Their research concluded that business actors must be held accountable for harming consumers, and penalties for fraudulent acts include imprisonment of up to five (5) years or fines of up to IDR 2 billion.⁷

This research shares a common theme of trademark counterfeiting with these previous studies. However, this study specifically focuses on legal protection against trademark counterfeiting in MSME products in the Banyumas region, aiming to examine the legal safeguards available to MSME products affected by trademark counterfeiting.

2. RESEARCH METHODS

This study employs an empirical juridical research method, also known as field research, focusing on examining a phenomenon or situation in detail by collecting real-world facts and data. The objective is to identify and uncover the necessary information, which is then used to define the research problem and ultimately lead to problem

⁵ Iskandar Sukarnaecin, “Peredaran Minyak Goreng Kemasan Tanpa Ijin Edar Digulung Polda Jateng,” *antaranews.com*, 2022, <https://kaltara.antaranews.com/berita/494401/peredaran-minyak-goreng-kemasan-tanpa-ijin-edar-digulung-polda-jateng>.

⁶ Anak Agung Sagung Laksmi Dewi, Ni Made Dwi Ari Cahyani, and Ni Made Sukaryati Karma, “Perlindungan Hukum Bagi Pemegang Merek Terhadap Pemalsuan Merek Fashion,” *Jurnal Konstruksi Hukum* 2, no. 1 (2021): 175–79, <https://doi.org/10.22225/jkh.2.1.2990.175-179>.

⁷ Ismi Afriani Windiastuti, “Strategi Asosiasi Pengusaha Mikro Kecil Dan Menengah Banyumas (Aspikmas) Dalam Mengembangkan UMKM Di Kabupaten Banyumas Perspektif Ekonomi Islam” (UIN PROF.K.H SAIFUDDIN ZUHRI, 2022).

resolution.⁸ The research type used in this study is qualitative research, which is based on phenomenology in developing scientific knowledge. This research approach involves interviews or observations with individuals who serve as informants, selected according to the research subject and object.⁹

The research approach in this study combines a statutory approach and a case approach. The statutory approach begins with analyzing legal provisions within laws and regulations governing the issue under study.¹⁰ This analysis examines the substance of existing legal rules and compares them with real-world conditions. The legal framework analyzed in this study is Law No. 20 of 2016 on Trademarks and Geographical Indications, as it aligns with the focus of this research. The case approach involves examining legal cases related to the research issue, specifically court decisions that have attained final and binding status (*Eintracht*). This study applies this approach to analyze legal cases concerning trademark counterfeiting and assess relevant judicial rulings.

3. RESULTS AND DISCUSSION

3.1. Legal Regulation of Trademark Counterfeiting Under Law No. 20 of 2016 on Trademarks and Geographical Indications

A trademark plays a crucial role in a company's product identity. Therefore, trademarks must be protected strictly to prevent harm to their owners. Advances in information and communication technology influence trademark development, enabling trademarks to gain national and global recognition rapidly. A trademark serves as an identifier for consumers, and well-known brands with widespread recognition are often at risk of being imitated, replicated, or counterfeited by irresponsible parties.

Imitating well-known trademarks is commonly referred to as counterfeit or imitation goods. In this context, the act of imitating or producing counterfeit goods is categorized as trademark infringement. Trademark infringement includes counterfeiting,

⁸ Ninla Elmawati Falabiba, "Problematika Hukum Acara Gugatan Sederhana Dalam Sengketa Ekonomi Syariah Di Pengadilan Agama Purbalingga," 2019, 57–64, <http://repository.umy.ac.id/bitstream/handle/123456789/22152/7.> BAB III.pdf?sequence=7&isAllowed=y.

⁹ Dwi Ratna Kartikawati, *Metode Penelitian Hukum* (Tasikmalaya: CV.Elwareta Buana, 2022).

¹⁰ Rahardian Septiadi, "Metode Pendekatan Undang-Undang," *Febriani Setyaningrum*, 2011, 6.

imitation, or unauthorized use of certain trademarks to gain profit without considering whether such actions infringe on the rights of others, ultimately causing financial losses to the rightful trademark owner.¹¹ Law No. 20 of 2016 on Trademarks and Geographical Indications emphasizes that trademarks are crucial in maintaining fair and healthy business competition. A trademark indicates a product's origin, determines product quality, and ensures product authenticity. Therefore, adequate legal provisions are required to regulate trademarks, especially in cases of imitation or trademark counterfeiting, to enhance public protection and service quality.¹²

According to Law No. 20 of 2016 on Trademarks and Geographical Indications, unauthorized use of a registered trademark belonging to another party for similar goods and/or services through counterfeiting is subject to criminal and civil penalties. However, trademark protection under this law applies only to trademarks registered with the Directorate General of Intellectual Property (DGIP). Unauthorized use of a registered trademark belonging to another party for similar goods and/or services through counterfeiting is subject to criminal penalties (imprisonment) and/or civil penalties (fines or compensation).¹³

Trademark counterfeiting is regulated under several provisions of Law No. 20 of 2016. Article 100, Paragraph (1) stipulates that violations of this law are subject to criminal penalties. This provision establishes the legal basis for imposing criminal sanctions on individuals who violate the law by using an identical registered trademark owned by another party. The penalty includes a maximum imprisonment of five (5) years or a fine of up to IDR 2 billion. Article 100, Paragraph (2) states that if a person infringes by using a trademark that bears substantial similarity to a registered trademark for similar

¹¹ Rika Sulistiyawati and Mutia Septarina, "Perlindungan Hukum Terhadap Pemalsuan Merek Dagang Terkenal Asing Di Indonesia Ditinjau Dari Undang-Undang Nomor 20 Tahun 2016 Tentang Merek," no. 3 (2016).

¹² I Made Dwi Prasetya and I Gede Putra Ariana, "Pengaturan Merek Produk Makanan (Berdasarkan Undang-Undang No 20 Tahun 2016 Tentang Merek)," *Kertha Semaya : Journal Ilmu Hukum* 7, no. 1 (2019): 1, <https://doi.org/10.24843/km.2018.v07.i01.p08>.

¹³ Dede Rudianto, "Ancaman Pidana Dan Perdata Bagi Pemalsu Merek Di Masa Pandemi Covid-19," *snhlawoffice*, 2020, <https://snhlawoffice.com/joomla/list-all-categories/artikel/ancaman-pidana-dan-perdata-bagi-pemalsu-merek-di-masa-pandemi-covid-19>.

goods or services, the penalty is a maximum imprisonment of four (4) years or a fine of up to IDR 2 billion.

Trademark counterfeiting is regulated under Article 100, Paragraph (3), which imposes stricter sanctions if the violation results in health hazards or even death. In such cases, the penalty is a maximum imprisonment of ten (10) years or a fine of up to IDR 5 billion. In addition to Article 100, trademark counterfeiting is further regulated under Article 102 of the Trademark and Geographical Indications Law. This provision prohibits anyone from using a mark that closely resembles a registered trademark owned by another party for similar goods or services. Individuals found guilty of violating this provision may face a maximum imprisonment of one (1) year.

Beyond criminal penalties, trademark counterfeiting is also subject to civil lawsuits, which may include claims for compensation and/or an order to cease all activities related to the unauthorized use of the trademark. This is outlined in Article 83 of the Trademark and Geographical Indications Law, which grants registered trademark owners, licensed trademark holders, or owners of well-known trademarks the right to file lawsuits against unauthorized users of a similar or identical trademark for similar goods or services in the Commercial Court.

Based on these legal provisions, trademark counterfeiting whether involving a registered or well-known trademark constitutes an unlawful act. Consequently, trademark counterfeiters may be subject to both criminal and civil penalties. However, it is essential to note that trademark infringement is a complaint-based offense (*delik aduan*), meaning legal action can only be initiated if the aggrieved trademark owner files a formal complaint. Commercial Court judges are authorized to issue provisional court orders to ensure adequate legal protection for registered trademark owners. Article 94 of the Trademark Law states that, based on sufficient preliminary evidence, a registered trademark owner who has suffered damages may request the court to issue a provisional order as an interim legal remedy. Based on the above explanation, Law No. 20 of 2016 provides a clear and robust legal framework to protect trademark rights, combat trademark counterfeiting, and establish a comprehensive mechanism for law enforcement and dispute resolution related to trademarks.

3.2. Legal Protection Against Trademark Counterfeiting in Micro, Small, and Medium Enterprise Products in the Banyumas Region

Legal protection is essential to prevent the public from engaging in trademark counterfeiting violations in the Banyumas region. Before discussing legal protection, it is necessary to define the concept itself. Legal protection is regarded as a reflection of the function of law, which ensures justice, order, certainty, and utility. Legal protection encompasses principles and fundamental objectives to safeguard individual rights, freedoms, and interests within society.¹⁴

Legal protection for trademarks in Indonesia is overseen by the Directorate General of Intellectual Property, which operates under the Ministry of Law and Human Rights and is responsible for regulating and managing the trademark registration system in Indonesia.¹⁵ Trademark rights violations often occur in imitation or trademark counterfeiting, typically when counterfeiters use a brand without obtaining proper authorization from the rightful trademark owner. Trademark counterfeiting is considered an economic crime, as counterfeit goods harm consumers. The circulation of counterfeit goods, especially those that imitate original packaging labels, can confuse the public.

Trademarks can be found in various products distributed in the market. This is mainly because Indonesia's most developed business sectors are the culinary and fashion industries, which remain dominant fields of interest. These industries are primarily driven by micro, small, and medium enterprises (MSMEs). MSMEs contribute significantly to the national economy and have expanded across Indonesia, including Banyumas and Central Java. The Banyumas Regency has seen rapid growth in MSMEs, supported by government policies that increasingly favor MSMEs as a key driver of economic activity.

However, the rise of MSMEs has not been without challenges. Trademark-related issues frequently arise, mainly due to the misconception that trademark protection does not have a significant impact, the perception that the registration process is costly and

¹⁴ Rangkuti Maksum, "Perlindungan Hukum Indonesia : Pengertian, Aspek, Unsur, Dan Contoh," *fahum.umsu.ac.id*, 2023, <https://fahum.umsu.ac.id/perlindungan-hukum-indonesia-pengertian-aspek-unsur-dan-contoh/>.

¹⁵ Maya Ruhtiani, "Analisis Perbandingan Perlindungan Hukum Terhadap Merek Di Indonesia Dan Korea Selatan," *Journal of Law, Economics, and English* 6 (2024): 55.

time-consuming, and a general lack of awareness among MSME actors. Consequently, many MSME owners neglect registering their trademarks, which can ultimately harm their businesses. Trademark rights are a fundamental concept within intellectual property law, and failure to secure trademark protection can leave MSMEs vulnerable to counterfeiting and unfair competition.¹⁶

This research involves a direct survey of MSME owners and relevant government institutions, particularly the Department of Manpower, Cooperatives, and Micro, Small, and Medium Enterprises of Banyumas, along with the Banyumas Association of Micro, Small, and Medium Entrepreneurs, as key informants. The objective is to gather accurate information regarding legal protection against trademark counterfeiting in MSME products in Banyumas. Several key indicators are used to assess various aspects of trademark counterfeiting protection, including legal awareness regarding trademarks, trademark counterfeiting issues, law enforcement efforts, the role of government and institutions, and the impact of trademark registration.

Legal awareness regarding trademarks refers to the understanding and consciousness that individuals and society have about the law and its role in social life. Efforts to enhance legal awareness are essential to encourage people to take an active role in securing registered trademarks and ensuring the advancement of their businesses. Legal awareness is closely related to legal socialization, knowledge of intellectual property laws, and a society's legal culture in protecting its own products. Legal awareness among the Banyumas community regarding trademarks can be observed in the following table:

Table 1. Legal Awareness

Informant	Substance of Research Subject Responses	Implications
(UMKM Sirup Jahe)	“A trademark is an important aspect of a product as it serves as its distinctive identity. However, I have not registered my trademark yet”	Business owners are already aware of trademarks, but unfortunately, there is still a lack of awareness regarding the importance

¹⁶ Zarisnov Arafat, “Urgensi Perlindungan Hukum Terhadap Produk Umkm Di Desa Klari,” *Jurnal Buana Pengabdian* 3, no. 2 (2021): 40–56, <https://doi.org/10.36805/jurnalbuanapengabdian.v3i2.1962>.

(UMKM Striping Srendeng)	“For me, a trademark is important so that my product can be easily recognized by the public, but I have not registered my trademark yet”	of registering their trademarks Business owners are already aware of trademarks, but unfortunately, there is still a lack of awareness about the importance of registering their trademarks
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Based on the interviews conducted, informants stated that they already understand the concept of trademarks, as they recognize that a product must have its own distinctive characteristics and possess a differentiating factor from other products. MSME entrepreneurs in the Banyumas region are aware of trademarks; however, many of them have not yet officially registered their trademarks.

Trademark counterfeiting is a common issue, particularly involving the unauthorized reproduction of registered trademarks. This refers to an illegal practice in which individuals create, distribute, or use a trademark without the permission of the original owner. Such violations are often carried out with the intent of misleading consumers regarding the origin and quality of goods or services being offered. To better understand the extent of trademark counterfeiting in Banyumas, the following table provides relevant data:

Table. 2 Trademark Counterfeiting

Informant	Substance of Research Subject Responses	Implications
(UMKM Brambang Goreng)	“Trademark counterfeiting is the same as imitation. As for cases of trademark counterfeiting in Banyumas, I personally have never heard of any”	Business owners have never heard of trademark counterfeiting in the Banyumas region
(UMKM Hikmah Kwr)	“Trademark counterfeiting means using someone else's brand name without permission. I have never heard of any cases of trademark counterfeiting”	Business owners have never heard of any cases of trademark counterfeiting

Based on the interviews conducted, it was found that many MSME entrepreneurs already understand trademark counterfeiting. Trademark counterfeiting refers to the act

of deliberately imitating, copying, replicating, or using an existing trademark owned by another party without the owner's permission. Cases of trademark counterfeiting in Banyumas are still rare, and most business owners have never even heard of any incidents of trademark counterfeiting occurring in the region.

Law Enforcement refers to the process of ensuring that legal norms are effectively upheld and function in reality as guidelines for behavior in legal relationships within society and the state. To assess how law enforcement is carried out against trademark counterfeiting in Banyumas, the following table provides relevant data:

Table. 3 Law Enforcement Officer

Informant	Substance of Research Subject Responses	Implications
Staf Dinas Koperasi UMKM	“Regarding the legal process, the department has not yet undertaken any specific measures to address trademark counterfeiting. We only provide recommendations to immediately register trademarks”	Has not provided optimal support
Staf Aspikmas	“As long as there is legal documentation, we will provide assistance throughout the legal process. However, many business owners are still unaware of the necessary steps to take, as such cases are still relatively rare”	Has not provided optimal support

Based on the interviews conducted, it was found that many MSME entrepreneurs are still unaware of the necessary steps to take when encountering trademark violations. Relevant institutions have yet to conduct socialization regarding the legal processes that should be followed. In this regard, law enforcement is essential to guide MSME entrepreneurs, ensuring that the law is upheld in all aspects of life while prioritizing legal awareness and knowledge.

The Role of Government and Institutions is crucial in supporting MSME development. One of the key roles of the government is to promote MSME growth and protection. In Banyumas, there is an organization dedicated to MSME affairs known as Aspikmas. This organization plays a role in assisting and maximizing various programs and empowerment

initiatives implemented by government agencies. To assess the government's role in supporting MSMEs in Banyumas, the following table provides relevant data:

Table. 4 The Role of Government and Institutions

Informant	Substance of Research Subject Responses	Implications
Staf Dinas Koperasi UMKM	“The government provides assistance to MSMEs that wish to register their trademarks. The assistance includes fee reductions for those who obtain a recommendation letter from the relevant department”	The relevant government has performed its role fairly well
Staf Aspikmas	Support has been provided to MSME entrepreneurs by offering fee reductions. We also provide a space where MSME entrepreneurs can showcase their products	The relevant government has performed its role fairly well

Based on the interviews conducted, it was found that in order to obtain legal protection for a trademark, it must be officially registered with the Directorate General of Intellectual Property (DGIP). The government and relevant institutions responsible for trademark protection for MSMEs in the Banyumas region have already conducted socialization programs and training sessions on trademarks and trademark registration. The government has also aided entrepreneurs, including fee reductions for MSME business owners who register their trademarks.

The Impact of Trademark Registration on Trademark Counterfeiting in MSME Products in Banyumas Trademark registration is the only way to ensure that a trademark used in commerce receives legal protection. Essentially, trademark registration is crucial in preventing dishonest business practices that could harm legitimate enterprises. By securing trademark registration, business owners can safeguard their products from unauthorized use and avoid disputes over identical or similar creations. To further analyze the impact of trademark registration, the following table presents relevant data:

Tabel 5. The Impact of Trademark Registration

Informant	Substance of Research Subject Responses	Implications
UMKM Sari Asian Food	“Of course, registering a trademark provides legal protection in the future. However, the process takes quite a long time, which is why many have not registered their trademarks”	Many MSME entrepreneurs have yet to register their trademarks

UMKM Melvina S'nack	“Registering a trademark offers certain benefits, but the required time and numerous requirements make business owners hesitant to complete the registration process”	Many business owners have yet to register their trademarks
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Based on the interviews conducted, it was found that business owners must first register their trademarks in order to obtain legal protection for their trademarks. However, the research revealed that many MSME entrepreneurs in Banyumas have yet to officially register their trademarks. Overall, trademark registration provides significant advantages, including protecting brand identity, supporting business growth, and ensuring legal certainty for trademark owners. Therefore, trademark registration is essential for obtaining legal protection.

CONCLUSION AND SUGGESTION

The legal provisions regarding trademark counterfeiting, as stated in Law No. 20 of 2016 on Trademarks and Geographical Indications, establish that trademark counterfeiting is subject to criminal sanctions, as stipulated in Article 100 and Article 102. In addition to criminal penalties, trademark counterfeiting may also result in civil sanctions in the form of compensation, as regulated in Article 83 of the Trademark and Geographical Indications Law. Legal protection against trademark counterfeiting for MSME products in the Banyumas region involves several strategic measures to ensure security. Therefore, MSMEs must officially register their trademarks to obtain legal protection. However, despite these legal provisions, only a few MSMEs in Banyumas have registered their trademarks, which means that the level of legal protection remains low.

There is a pressing need for government optimization in monitoring and regulating errors and misuse, particularly in trademarks. It is also necessary to introduce a special regulation on trademark registration for MSMEs, which explicitly states that MSMEs must register their trademarks. The Banyumas government should establish a legal aid institution to assist MSME entrepreneurs regarding their trademarks. Additionally, the relevant government departments should enhance efforts to conduct socialization programs and training sessions on trademarks. Simplifying the trademark registration

process and improving legal protection mechanisms would help increase legal awareness among MSME entrepreneurs and ensure better protection for their businesses.

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