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The Responsibility of the Directorate General of Intellectual Property in Resolving the Trademark Dispute Over 'Tempo Gelato'

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Abstract: The Law Number 20 of 2016 concerning Trademarks and Geographical Indications aims to provide clear legal protection for legitimate trademark owners. A legitimate trademark owner is the person who first registers their trademark or service mark. In practice, conflicts often arise due to unilateral trademark registrations. This study focuses on the trademark dispute case of Tempo Gelato, where one party in a business partnership registered the trademark without the consent of the original owner. The Directorate General of Intellectual Property Ministry of Law and Human Rights Republic of Indonesia plays a crucial role in preventing unilateral registrations and ensuring that dispute resolution processes adhere to legal provisions. This study also examines the responsibilities of government agencies in cases of unilateral registration, including the dispute resolution mechanisms offered in the law and their vital role in safeguarding the exclusive rights of trademark owners to prevent abuse of the registration system.

Keyword: The Effectiveness of Legislation, Trademark Dispute Resolution, The Responsibilities of the Directorate General of Intellectual Property.

INTRODUCTION

A trademark is an essential element of intellectual property protection, especially in a competitive business environment. According to Article 1 of Law Number 20 of 2016 on Trademarks and Geographical Indications (hereinafter referred to as the Trademarks and Geographical Indications Law), a trademark is a sign that is graphically represented to distinguish goods and/or services produced by an individual or legal entity in commercial activities. In Indonesia, a trademark not only serves as a product or service identity tool for a company but also acts as a crucial instrument in preserving the reputation, quality, and economic rights of the trademark owner. A well-known trademark among consumers becomes a valuable business asset, as it fosters customer loyalty and trust. Moreover, a trademark helps distinguish products or services from competitors in an increasingly competitive market (Sunarto et al., 2023).

In line with globalization and the rapid growth of businesses, particularly in the digital era, challenges related to the protection of intellectual property rights, including trademarks, have become increasingly complex. In a more competitive business environment, trademarks do not merely serve as product or service identifiers but also play a crucial role in building consumer trust. Therefore, the protection of trademark rights is essential to prevent misuse by unauthorized parties. Trademark infringements, such as counterfeiting or unauthorized trademark registration, are common issues faced by business operators in Indonesia. This underscores the importance of strong trademark protection regulations to prevent potential violations and legal conflicts in the future. Although regulations concerning trademark protection are already in place, in practice, conflicts related to trademarks are still frequently encountered, particularly when trademarks are registered unilaterally by a party that is not the rightful owner. Such cases present significant challenges to the legal protection of trademarks in Indonesia, with no certainty as to who holds the exclusive rights to the trademark (Akbar et al., 2024).

One case that has garnered public attention is the trademark dispute involving Tempo Gelato, where a conflict of ownership arose between the parties involved in the business. This case serves as a concrete example of legal issues that emerge when one party in a business collaboration unilaterally registers a trademark. The conflict not only caused material losses but also damaged the business's reputation and eroded consumer trust in the marketed products or services. This case underscores the need for an effective and fair dispute resolution mechanism to protect the rightful trademark owner.

To address issues related to trademark registration and resulting disputes, Indonesia has enacted the Trademarks and Geographical Indication Law. This law aims to provide clear and structured legal protection for trademark owners and ensure that exclusive rights to trademarks are respected by all parties. The Trademarks and Geographical Indication Law also governs the process of trademark registration, including steps to be taken for resolving trademark disputes. Additionally, the law introduces the concept of geographical indications, which offers additional legal protection for local products associated with specific geographical regions. In the context of trademark disputes such as Tempo Gelato, this law serves as the primary legal foundation, providing a pathway to resolve conflicts through existing legal procedures.

As the agency responsible for the management of intellectual property in Indonesia, the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia is tasked with developing and implementing intellectual property policies in accordance with prevailing laws and regulations. The organizational structure of the Directorate General of Intellectual Property consists of divisions related to copyrights, trademarks and geographical indications, patents, layout designs of integrated circuits, and trade secrets. The Directorate General of Intellectual Property plays a pivotal role in the implementation of the Trademark and Geographical Indications Law. It is responsible for formulating policies, providing technical guidance and supervision, conducting evaluations and reporting on trademarks, and classifying trademarks (Direktorat Jenderal Kekayaan Intelektual Kementerian Hukum dan HAM Republik Indonesia, 2024).

In addition to overseeing and processing trademark registrations, the Directorate General of Intellectual Property is also tasked with resolving trademark disputes that arise between conflicting parties. In cases of disputes, such as the Tempo Gelato case, the Directorate General acts as a facilitator in the dispute resolution process, whether through mediation, arbitration, or other legal proceedings. The effectiveness of the Directorate General in carrying out its duties is crucial to ensuring that the rights of legitimate trademark owners are protected, and that disputes can be resolved fairly and efficiently.

There are still questions as to whether the Directorate General possesses the capacity and resources necessary to handle the growing number of trademark disputes, which continues to

rise in line with business developments in Indonesia. Effective enforcement of the law in trademark protection is essential to maintaining legal certainty and preventing trademark rights violations. The Trademark and Geographical Indications Law has been established to provide a strong legal basis for trademark owners, offering clear sanctions against violators. However, the effectiveness of the law's implementation in the context of dispute resolution often remains in question.

Based on the aforementioned background, the researcher formulates two issues in this study, namely: First, it is necessary to examine the form of responsibility borne by the Directorate General of Intellectual Property in the resolution of the trademark dispute concerning Tempo Gelato. This is essential for understanding the role and authority of the institution in managing and resolving conflicts arising related to trademark protection. Second, this study also aims to evaluate the extent to which the effectiveness of Law Number 20 of 2016 concerning Trademarks and Geographical Indications supports the Directorate General of Intellectual Property in resolving disputes involving Tempo Gelato.

METHOD

In the research titled “The Responsibility of the Directorate General of Intellectual Property in the Resolution of Trademark Disputes: The Case of Tempo Gelato,” the type of research employed in this study is normative legal research. Normative legal research is conducted by examining formal legal materials, such as statutes. The primary focus of this research is to analyze legislation related to trademark protection, specifically the Trademarks and Geographical Indication Law, as well as the responsibilities of the Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia in handling trademark disputes. The approaches utilized in this research are the statutory approach and the case approach. The statutory approach involves reviewing various provisions contained in the Law on Trademarks and Geographical Indications, while the case approach is conducted by analyzing real cases, such as the Tempo Gelato trademark dispute, to understand how these laws are implemented in practice and the role of the Directorate General of Intellectual Property in resolving trademark conflicts.

In this legal research, there are three types of materials used: primary, secondary, and tertiary legal materials. Primary legal materials refer to authoritative sources of law that originate directly from applicable regulations. Examples of these materials include relevant laws, such as the Trademarks and Geographical Indication Law and other regulations governing trademarks and the resolution of disputes in the field of intellectual property. In other words, primary legal materials serve as the foundational and primary reference in this research, as they contain clear and definitive legal provisions. Furthermore, secondary legal materials consist of literature that provides interpretation, explanation, and analysis of primary legal materials. Although they do not possess binding authority, these sources are crucial as they enhance understanding of the issues under investigation. This category includes existing research findings, such as legal textbooks, scholarly journal articles, and opinions from experts regarding trademark registration and dispute resolution. Thus, secondary legal materials act as a bridge that connects primary legal materials to a broader context in the research. Finally, tertiary legal materials include sources such as legal dictionaries and other references that can support legal analysis. One example is the Great Dictionary of the Indonesian Language, which serves as a tool to locate and comprehend both primary and secondary legal materials. Tertiary legal materials provide additional context and help clarify the legal terminology used in this research.

The research analysis method employed is qualitative analysis. The data obtained from primary, secondary, and tertiary legal materials are systematically analyzed to produce conclusions relevant to the formulated problem. The analysis is conducted by examining the

applicable legal provisions and then applying them to the case that is the subject of the study. The author is able to evaluate the effectiveness of Trademarks and Geographical Indication Law and the responsibilities of the Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia in resolving trademark disputes in this research.

RESULTS AND DISCUSSION

The Responsibility of the Directorate General of Intellectual Property Regarding the Resolution of the Tempo Gelato Trademark Dispute

The Indonesian legal system governing trademark registration is fundamental for obtaining exclusive rights to a trademark. The Trademarks and Geographical Indication Law explicitly regulates trademark registration and protection. According to Article 3 of the Trademarks and Geographical Indication Law, rights to a trademark are acquired solely through the registration process. This emphasizes that trademark registration is the only legal means for individuals or legal entities to obtain lawful protection for their trademarks. Article 4 of the Trademarks and Geographical Indication Law stipulates that trademark registration must be conducted by the applicant or their authorized representative. This means that the party applying for registration does so unilaterally. The trademark registration process must also comply with the provisions of Article 21 of the Trademarks and Geographical Indication Law, which outlines the grounds for refusal of trademark registration. One of the grounds for refusing trademark registration is if the application is made in bad faith, such as registering a trademark with the intent to harm another party or to obtain unlawful benefits (Marta, 2023).

The trademark case involving Tempo Gelato arises from unilateral registration that cannot be categorized as an act of bad faith if the registration is intended to capitalize on the popularity and reputation of the brand. The Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia plays a crucial role in ensuring that the trademark registration process complies with applicable regulations and is conducted in good faith. The state agency responsible for trademark registration and protection must ensure that every registration process adheres to legitimate mechanisms and does not infringe on the rights of others. The Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia has two types of responsibilities, namely Administrative Responsibility and Preventive Responsibility.

Administrative responsibility refers to the obligations that must be fulfilled by individuals or legal entities in carrying out governmental or administrative tasks. This responsibility is critical in the context of trademark registration, as it is the primary government agency tasked with ensuring that each trademark application complies with the procedures established by law. Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia will conduct substantive examinations to ensure that the registered trademark does not infringe on the rights of others and meets the applicable legal requirements. This substantive examination includes checking whether the applied trademark is similar to other registered trademarks, as well as ensuring that the registration is conducted in good faith. In the case of the unilateral registration experienced by Tempo Gelato, Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia has a responsibility to ensure that the registration does not violate the rights of the original trademark owner. If indications of bad faith in the registration are found, the agency is entitled to reject the registration application, as stipulated in Article 21 of the Trademarks and Geographical Indication Law.

Preventive responsibility pertains to actions or efforts undertaken to prevent violations or issues before they occur. Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia is entitled to protect the rights of legitimate

trademark owners and to reject trademark registrations that contravene legal provisions, including registrations conducted with the intent to infringe on the rights of others. This agency must be able to prevent the misuse of the trademark registration system by unauthorized parties and is responsible for providing transparent information to the public regarding the status of trademark registrations. Original trademark owners may file objections if they feel aggrieved by such registrations. Its responsibilities also encompass playing a role in resolving disputes that may arise from unilateral trademark registrations. Based on Articles 76 and 77 of the Trademarks and Geographical Indication Law, parties aggrieved by a trademark registration may file objections or cancellation requests for the registered trademark, which will be followed up by Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia to ensure that the rightful owner of the trademark is given an opportunity to assert their claims (Kusumah, 2022).

The Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia holds both administrative and preventive responsibilities in the case of Tempo Gelato, which play a crucial role in the trademark registration process. Administratively, the Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia is tasked with ensuring that every trademark registration is conducted in accordance with the procedures stipulated under the Trademarks and Geographical Indication Law. One of the key aspects of this responsibility is to carry out a substantive examination to ensure that the proposed trademark does not infringe on the rights of others and is registered in good faith. The Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia must ensure that there are no infringements on the rights of the original trademark owner; if there are indications of registration made in bad faith, then, in accordance with Article 21 of the Trademarks and Geographical Indication Law, they have the authority to reject such registration. The preventive responsibility encompasses efforts to prevent infringement of rights through a transparent registration system, as demonstrated in the Tempo Gelato case. The Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia must reject any trademark registration that contravenes the law. In the case of Tempo Gelato, the Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia is obligated to protect the rights of legitimate trademark owners and provide an opportunity for those who feel aggrieved by a trademark to file an objection or a cancellation request (Rizkia & Fardiansyah, 2022).

The objection process for trademark registration is regulated under Article 16 of the Trademarks and Geographical Indications Law. Any party who feels aggrieved by a trademark registration, including the original owner of the "Tempo Gelato" trademark, is entitled to file an objection against such registration within a specific period after the announcement of the registration. This period is set for 2 (two) months from the date the trademark registration is announced. During this period, third parties who wish to object may submit written reasons for their objection to the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia. The objections will then be reviewed to determine whether the trademark is eligible for registration. This process aims to provide an opportunity for the original trademark owner to protect their rights and prevent infringement on the brand they have developed. If the applicant's trademark application meets all requirements and no objections are raised, the trademark will be granted and registered, officially designating the applicant as the owner of the trademark (Konsultan HKI, 2021).

In terms of the responsibility to resolve disputes through administrative dispute resolution mechanisms, as seen in Article 74 of the Trademarks and Geographical Indications Law, it is stated that a third party may file for the cancellation of a registered trademark on the grounds of bad faith or fraud during the registration process. The Directorate General of Intellectual

Property under the Ministry of Law and Human Rights of the Republic of Indonesia is required to conduct a thorough review to determine whether the registration infringes upon the rights of other parties and has the authority to cancel registrations that are deemed to violate legal provisions. This mechanism is crucial in protecting the original trademark owners from potential harm caused by unilateral registrations. The initial user of the Tempo Gelato trademark can utilize this mechanism to file for the cancellation of a trademark that has been registered unilaterally by an unauthorized party. The Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia can play an active role in resolving trademark disputes fairly.

However, if the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia fails to fulfill its duties in overseeing and regulating trademark registrations, several legal implications may arise. First, if the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia is proven to be negligent in its duties, for example, by ignoring legitimate claims from the original trademark owners, the registration in question may become subject to legal action or cancellation by the court. This can be detrimental to the parties who should be protected under the law. Second, the failure of the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia to carry out its duties can result in financial and reputational harm to the original trademark owners. Legitimate trademark holders may lose customers and public trust due to unilateral trademark registrations by unauthorized parties. These losses may include a decrease in revenue, a decline in brand value, and long-term impacts on the business of the original trademark user (Ramanian et al., 2024).

The Tempo Gelato case provides a concrete example of how the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia should address unilateral trademark registration. In this case, the Directorate General of Intellectual Property has an obligation to follow up on claims made by the first user of the trademark who feels aggrieved. The Directorate General must allow the trademark owner the opportunity to file an objection or a cancellation request regarding the unilateral registration. Should the Directorate General fail to provide adequate space for the original owner to submit their claim, it may indicate weaknesses in the trademark protection system governed by the Directorate General.

The involvement of other parties, such as the courts, is also considered crucial in resolving trademark disputes. If the administrative resolution mechanisms within the Directorate General do not succeed, the first user of the trademark may bring the dispute to court for a more objective resolution. The court can re-examine whether the trademark registration was conducted in bad faith and render a fair decision for both parties.

In terms of the facts and responsibilities of the Directorate General, there are still obstacles faced in handling cases, such as those occurring with the Tempo Gelato trademark. These obstacles include the lengthy dispute resolution process, the difficulty in proving good faith, the low awareness among business actors regarding trademark registration rules, and the limited resources within the Directorate General. Solutions to address these challenges include expediting and optimizing the mediation process as a quicker and more efficient alternative dispute resolution method. Furthermore, enhancing the capacity of the Directorate General through training and resource improvement is essential to manage the increasing number of cases (Ramanian et al., 2024).

The Effectiveness of the Trademarks and Geographical Indications Law on the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia in Resolving the Tempo Gelato Trademark Dispute

The Trademarks and Geographical Indications Law is a statute that addresses trademarks and geographical indications. This law aims to provide legal certainty and adequate protection for legitimate trademark owners, ensuring that registered trademark owners possess exclusive rights to use their trademarks and preventing unauthorized parties from using or registering identical or similar trademarks without the consent of the trademark owner. The registration of trademarks governed by the Trademarks and Geographical Indications Law stipulates that the trademark owner is granted exclusive rights for a specified period. This right enables the trademark owner to take legal action against parties that use the trademark without permission, thereby safeguarding their reputation. The Trademarks and Geographical Indications Law also encompasses clear procedures for resolving trademark disputes, either through administrative channels at the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia or through alternative methods such as mediation or court proceedings, to ensure that legal protection for trademarks is implemented effectively and fairly (Ferdian, 2019).

The Trademarks and Geographical Indications Law encompasses the registration of trademarks, dispute resolution in courts, and alternative mechanisms. The trademark registration provisions outlined in Articles 3 and 4 of the Trademarks and Geographical Indications Law stipulate that trademark rights are only acquired through registration, which grants exclusive rights to the owner to lawfully use the trademark. Official registration strengthens the rights of the trademark owner in protecting their mark from unauthorized use by third parties. The law contains exceptions as specified in Article 21 of the Trademarks and Geographical Indications Law, which apply when registration is obtained in bad faith. Dispute resolution in courts is governed by Article 83 of the Trademarks and Geographical Indications Law, which grants the registered trademark owner the right to file a lawsuit in commercial courts against any party using their trademark without permission. Such lawsuits may include requests for cessation of the trademark's use as well as claims for damages. Article 91 of the Trademarks and Geographical Indications Law allows trademark owners to petition the court to order the cessation of unlawful use of the trademark and the destruction of goods bearing the mark.

On the other hand, Article 93 of the Trademarks and Geographical Indications Law introduces alternative dispute resolution mechanisms such as mediation and arbitration, providing flexibility for the parties to resolve disputes amicably without undergoing lengthy court procedures. Not only does the Trademarks and Geographical Indications Law play a crucial role concerning trademarks, but it also significantly impacts trademark enforcement. The Trademarks and Geographical Indications Law is responsible for examining every trademark registration application submitted, assessing whether the trademark meets the requirements established by the Trademarks and Geographical Indications Law, and has the authority to reject, accept, or request amendments to the application based on compliance with the necessary requirements. A trademark may be rejected by the Directorate General of Intellectual Property if deemed contrary to applicable laws. The Trademarks and Geographical Indications Law plays a role in resolving trademark disputes, acting as an authority that can facilitate the resolution process through various mechanisms and serving as a mediator for the disputing parties within the context of alternative dispute resolution. This enables the parties to reach agreements outside of the courtroom, with the Trademarks and Geographical Indications Law acting as a neutral party (Ardianto, 2024).

The Trademarks and Geographical Indications Law has been in existence for a long time and has undergone five amendments in Indonesia. The objective of the Trademarks and Geographical Indications Law is to ensure that legitimate trademark owners receive adequate protection and retain their rights. However, in practice, there are still numerous violations concerning trademark disputes in Indonesia. One case that highlights the role of the Directorate

General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia in resolving such conflicts is the Tempo Gelato case. This case arose when one party, claiming to be the owner of the Tempo Gelato trademark, allegedly registered the trademark unilaterally without the consent of other owners, resulting in a dispute regarding the legitimate ownership of the trademark. In this case, the Directorate General of Intellectual Property is responsible for examining the registration and evaluating whether the process is valid or if further steps are necessary. They can also issue administrative decisions that impact the continuation of this dispute in court or through alternative dispute resolution mechanisms (Denny et al., 2022).

The trademark dispute involving Tempo Gelato underscores the importance of the trademark registration procedure governed by the Trademarks and Geographical Indications Law in preventing and resolving conflicts related to trademark ownership. The registration process, supervised by the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia, begins with a substantive examination of the submitted trademark, ensuring that there are no violations of third-party rights or the use of similar trademarks that could create confusion in the public sphere. This dispute will discuss how the exclusive rights granted by trademark registration provide a strong legal basis for the trademark owner to assert their rights, thereby making this mechanism effective in protecting legitimate trademark holders. It is also established that the Trademarks and Geographical Indications Law serves as the primary legal foundation for trademark rights protection in Indonesia. In this case, the law will provide a clear framework for resolving trademark disputes, particularly concerning unilateral registration.

The Trademarks and Geographical Indications Law, along with the role of the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia, has advantages in trademark dispute resolution, one of which is the availability of alternative dispute resolution mechanisms such as mediation and arbitration, which can be conducted outside of court. The Directorate General of Intellectual Property often acts as a neutral facilitator and plays a crucial role in assisting disputing parties to reach an amicable agreement. More specifically, the role of the Directorate General of Intellectual Property in this case includes examining the validity of trademark registrations and assisting in the resolution of disputes between parties, while ensuring that the protection of the exclusive rights of trademark owners remains intact. Every system has its shortcomings, and the same is true for the Trademarks and Geographical Indications Law and the role of the Directorate General of Intellectual Property. One challenge frequently encountered by the Directorate General of Intellectual Property is the lengthy duration of the registration and dispute resolution processes. The time required to process trademark applications or disputes can be quite prolonged, potentially harming the interested parties. Additionally, issues of legal interpretation can sometimes introduce uncertainty into the decision-making process, particularly concerning the assessment of whether a trademark conflicts with another trademark (Direktorat Jenderal Kekayaan Intelektual Kementerian Hukum dan HAM Republik Indonesia, 2019).

Considering the advantages of the Trademarks and Geographical Indications Law, which regulates mediation and arbitration as alternative dispute resolution methods that offer quicker and more efficient solutions compared to litigation in court. Both mechanisms serve as tools for reaching mutually beneficial agreements for the disputing parties, including in the case of Tempo Gelato. Mediation allows the parties to negotiate with the assistance of a neutral mediator; in this instance, the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia facilitates finding a solution without resorting to the usually lengthy and costly court process. Additionally, arbitration provides for a final and binding resolution of disputes through the arbiter's ruling, which is often perceived as faster than formal court procedures (Matheus, 2021).

The role of the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia in facilitating mediation is crucial, especially as this institution possesses the authority and expertise in the field of intellectual property, including trademarks. The Directorate General of Intellectual Property can act as a neutral mediator and assist the parties in reaching a fair agreement. One of the main advantages of resolution through mediation is the significant savings in time and costs (Matheus, 2021). In the Tempo Gelato dispute, mediation facilitated by the Directorate General of Intellectual Property can prevent prolonged conflicts and help the parties resolve issues more swiftly than if the case were to proceed in commercial court. The use of mediation or arbitration can alleviate the workload of the courts and provide quicker legal certainty for the parties involved. From a business perspective, prompt resolution is essential for maintaining reputation and business continuity. These alternative mechanisms are regarded as a significant advantage of the Trademarks and Geographical Indications Law, particularly in avoiding lengthy processes and high costs (Nurahmasari et al., 2021). The Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia, with its role in facilitating mediation, is key in promoting a more efficient and amicable resolution of disputes for the parties involved, including in the case of the Tempo Gelato dispute.

The implementation of the Trademarks and Geographical Indications Law and the role of the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia in the Tempo Gelato dispute can be regarded as sufficiently effective in providing legal protection for trademark owners and facilitating the resolution of disputes. The trademark registration procedures regulated by the Trademarks and Geographical Indications Law ensure that the exclusive rights of trademark owners are protected and provide a robust legal basis for litigating unauthorized use of trademarks. The existence of alternative dispute resolution mechanisms, such as mediation under the Directorate General of Intellectual Property, offers a quicker and more cost-effective solution compared to formal court proceedings, as evidenced by the role of the Directorate General of Intellectual Property in the Tempo Gelato trademark dispute. The Directorate General of Intellectual Property serves as a neutral and competent institution in facilitating dispute resolution, thereby enabling the parties to reach a fair agreement and avoid prolonged conflicts.

CONCLUSION

The Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia plays a vital role in the realm of intellectual property rights, particularly in the area of trademark registration. The Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia bears both administrative and preventive responsibilities to ensure that all trademark registrations adhere to applicable laws and are conducted in good faith. This dual responsibility is critical in fostering a trustworthy and fair environment for both registrants and consumers. In the specific context of the Tempo Gelato case, it is imperative that the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia exercises its authority to scrutinize trademark applications rigorously. The Directorate should possess the capability to reject registrations that infringe upon the rights of original trademark owners, thereby safeguarding the interests of those who have established their brands and reputations in the market. This proactive stance not only protects intellectual property rights but also deters potential abuse of the trademark registration system, ensuring that the system functions as intended. Moreover, the Trademarks and Geographical Indications Law serves as a robust framework that provides legal certainty and protection for legitimate trademark owners. This legislation meticulously outlines the processes for trademark registration, defines the scope of exclusive rights, and establishes comprehensive procedures for dispute resolution. By having

clear regulations in place, the law empowers trademark owners to defend their rights effectively and helps mitigate conflicts that may arise. The role of the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia extends beyond mere registration; it is crucial in examining trademark registrations to ensure compliance with legal standards. The Directorate must actively work to prevent unilateral registrations, where an applicant seeks to register a trademark without proper entitlement or ownership rights. Such preventative measures are essential in maintaining the integrity of the trademark system and in upholding the principles of justice and fairness. Furthermore, the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia is instrumental in facilitating the resolution of disputes through mediation or arbitration. By promoting alternative dispute resolution mechanisms, the Directorate allows for a more expeditious and efficient resolution process compared to traditional court proceedings. This approach not only alleviates the burden on the judicial system but also encourages parties to reach mutually acceptable solutions, preserving relationships and reducing the adversarial nature often present in legal disputes. In conclusion, the Directorate General of Intellectual Property under the Ministry of Law and Human Rights plays a crucial role in ensuring the integrity of trademark registration processes in Indonesia. Through its preventive and administrative functions, the Directorate General of Intellectual Property under the Ministry of Law and Human Rights of the Republic of Indonesia not only protects the rights of trademark owners but also contributes to a fair and efficient intellectual property environment that supports innovation and economic growth.

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