

Effectiveness Of Trademark Protection In Electronic Commerce In A Case Study Of Trademark Infringement In Indonesia

Andi, Puguh Aji Hari Setiawan, Hartana

Bung Karno University, Jakarta, Indonesia.

khoe.andi@gmail.com

ABSTRACT

This study analyzes the effectiveness of trademark protection in Indonesia's e-commerce sector amid rising digital trade and increasing infringement, including unauthorized use, counterfeiting, and consumer deception. It aims to identify causal factors and evaluate enforcement mechanisms. Using a juridical-normative method with case studies, the research examines legal documents, infringement cases, and platform-level protection policies. The findings show that although regulations such as Law No. 20 of 2016 on Trademarks and Geographical Indications and Government Regulation No. 80 of 2019 on Electronic Commerce exist, enforcement gaps persist, enabling ongoing violations. Key issues include weak supervision, inconsistent enforcement, and limited platform accountability. The study concludes that legal protection remains suboptimal due to lack of coordination among regulators, business actors, and e-commerce providers. Recommended measures include strengthening regulatory synergy, enhancing monitoring by authorities, optimizing platform-based filtering and enforcement mechanisms, and increasing legal awareness among businesses and consumers. These steps are necessary to ensure legal certainty, improve compliance, and support fair and sustainable growth of Indonesia's e-commerce ecosystem.

Keywords: Brand Protection, Electronic Commerce, Trademark Infringement.

INTRODUCTION

Globalization means a challenge as well as an opportunity for every country in the world. In Indonesia, the impact of the development of globalization is still a challenge, because various existing realities are considered inadequate to enable Indonesia to play a fair role and gain benefits from the flow of globalization.

Globalization is seen from the progress of the times that will have an impact on technology that continues to develop more and more advanced, this encourages humans to move

quickly to keep up with the times. The internet is an example of technological progress, the presence of the internet seems to form a new world in the order of human life called cyberspace or virtual world. Jusuf Jacobus Setyabudi in Tutik Tri Wulan Tutik explains that: "cyberspace is a world of computer-based communication, which offers a new reality, namely virtual reality". Then Onno W. Purbo mentions in Tutik Tri Wulan Tutik that: "the internet is often socialized as a limitless medium. The dimensions of space, time, bureaucracy, establishment and walls of structuring that have existed in the real world are easily penetrated by information technology".

In the context of intellectual property, copyrights, patents, trademarks, and other intellectual property rights are becoming increasingly valuable assets in this digital era. Consequently, the importance of strengthening legal protection for intellectual property in Indonesia is becoming increasingly apparent. Sustainable innovation, investment, and national economic competitiveness depend heavily on the awareness and effectiveness of the legal system in addressing the dynamics of the digital era.

The digital era has fundamentally changed the paradigm of intellectual property rights. While the internet, digital platforms, and related technologies have facilitated access to information, artwork, and innovation, they also pose risks of copyright infringement, intellectual property theft, and the trade in counterfeit goods. Therefore, this study aims to outline the concrete steps the Indonesian government has taken to address these challenges and evaluate their effectiveness.

The advent of internet technology in the world of commerce has shifted traditional buying and selling to online transactions, known as electronic commerce (e-commerce). Generally, e-commerce is the buying and selling of goods and/or services over electronic networks, primarily the internet. One common form of e-commerce is the marketplace.

Marketplace A marketplace is a form of e-commerce where sellers can open online stores on the platform provider's website, allowing (potential) buyers to view the types of goods and/or services available for purchase and/or use. In this case, the marketplace provider provides a place to sell and acts as a third party, facilitating transactions between sellers and buyers.

In the trade business, electronic transactions (e-commerce) are considered more effective in conducting business transactions and have a wider reach in introducing or marketing a

product. This is considered very beneficial for business actors compared to traditional transactions, where everything is carried out using paper documents. In other words, these transactions are paper-based. If a dispute arises between the transacting parties, these paper documents will be submitted as evidence by each party to strengthen their respective legal positions. However, this is very different with e-commerce transactions. E-commerce transactions are paperless transactions. The documents used are not paper documents, but rather digital documents. As stated by Toh See Kiat, "until the evidence is printed out in hard copy, evidence from a computer is easily lost, easily altered without being traced, intangible, and difficult to read." So in other words, it is difficult to ascertain the authenticity of computer evidence because it is very easy to remove or change its validity. Electronic commerce (e-commerce), commonly known as marketplaces, has grown rapidly in recent years, both nationally and globally. Advances in information and communication technology, particularly the internet, have transformed consumer behavior and the way businesses conduct business. One advantage of marketplaces over other e-commerce models is the use of joint accounts, where buyers pay the transaction price and transfer it to the marketplace provider. After the buyer confirms receipt of the purchased item, the funds in this joint account are transferred to the seller's account. This joint account mechanism in marketplaces is considered beneficial and provides a sense of security for both sellers and buyers. Some marketplace companies in Indonesia include Lazada, Shopee, Tokopedia, Bukalapak, and others. The marketplace market structure itself is characterized by an oligopoly, as these companies refer to characteristics such as:

1. There are multiple sellers. In online marketplaces, many sellers offer the same product, namely online shopping, and their prices vary. This can be seen on each online marketplace's website, which offers numerous features that enhance efficiency, security, and speed in the buying and selling process.
2. Homogeneous Products: This market sells many similar goods, but they differ from those found in other markets. The goods sold in this market are neither movable nor immovable, but rather the online marketplace system itself. This market produces many of the same goods as other companies, but the prices and quality differ. The completeness of the features in each marketplace also differs, which is

- what attracts consumers to use the online marketplace system that is most profitable and efficient.
3. Interdependence, A company's strategic decisions are determined by the strategic behavior of other business actors in the market.

Marketplace has a concept similar to a traditional market, seemingly existing online. Marketplace owners act as intermediaries between sellers and buyers on their websites. By adopting the marketplace concept, e-commerce can grow rapidly. However, this concept can also backfire if not implemented carefully. Given its extensive benefits and advantages, using a marketplace will undoubtedly be beneficial and help businesses grow.

In Indonesia, electronic commerce or e-commerce, which has given birth to new sales systems such as marketplaces, has not only brought positive impacts but also negative ones, one of which is inefficient supervision of goods sold, so that indirectly the presence of electronic commerce (e-commerce) has the potential to become a gateway for Intellectual Property violations, namely trademark violations. And then it also becomes a very significant sector in the digital economy, with great potential that continues to grow, both in transactions of goods, services, and digital content. One important aspect in e-commerce is the trademark, which is a symbol of the identity of a product or service. Trademarks not only function as identification for consumers, but also as a very valuable asset for companies, because they can influence purchasing decisions and consumer loyalty.

Brands, which are part of intellectual property, are crucial in advertising and marketing because the public often associates the image, quality, or reputation of goods and services with a particular brand. A brand can be a very valuable commercial asset. In Indonesia, regulations regarding brands have been regulated in Law Number 15 of 2001 concerning Brands, which was later refined by Law Number 20 of 2016 concerning Brands and Geographical Indications.

Article 1 paragraph 1 of Law Number 20 of 2016 states that a brand is a sign that can be displayed graphically in the form of images, logos, names, words, letters, numbers, color arrangements, in the form of 2 (two) dimensions and / or 3 (three) dimensions, sound, hologram, or a combination of 2 (two) or more of these elements to distinguish goods and / or services produced by a person or legal entity in the trading activities of goods and / or services. In general, the definition of the brand explains that goods and / or services that

use elements that are symbols or characteristics attached to a registered good and / or service or without the permission of the brand holder constitute an act of violation of the brand.

Trademark rights are an important asset for a company because the brand reflects the identity and reputation of a product or service in the eyes of consumers. Protection of trademark rights not only protects the trademark owner from unauthorized use by other parties but also protects consumers from counterfeit products that can harm them financially and health-wise.

Trademark infringement in e-commerce is increasingly prevalent, including product counterfeiting, unauthorized use of trademarks, and fraud involving well-known brand identities. Although Indonesia already has regulations governing trademark protection through Law No. 20 of 2016 concerning Trademarks and Geographical Indications, Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE), and Government Regulation No. 80 of 2019 concerning Commerce Through Electronic Systems, as well as several regulations related to e-commerce, trademark infringement remains a frequent issue faced by business actors. While e-commerce offers many conveniences, it also poses various challenges in protecting trademark rights. One of the biggest challenges is the proliferation of counterfeit and imitation products that can be easily sold on e-commerce. Sellers can quickly create new accounts and post products that infringe trademark rights without requiring strict verification. As a result, brand owners often face difficulties in monitoring and taking action against trademark infringement that occurs massively and quickly.

On the other hand, the Indonesian legal system still faces challenges in addressing trademark infringement that occurs online, where the boundaries of space and time are increasingly blurred. The process of enforcing trademark infringement in online environments is not always effective due to a lack of coordination between authorities, limited resources, and the difficult-to-trace nature of electronic transactions. Despite strong regulations, implementation and enforcement often face obstacles. Brand owners must invest time and resources to monitor and file claims against infringement.

Therefore, in this context, this study aims to analyze the effectiveness of trademark protection in e-commerce in Indonesia, focusing on its impact on brand owners and

consumers, and how Indonesian law regulates and addresses these issues. This study will also examine the extent to which brand protection efforts through technology and regulation can improve the effectiveness of protection against trademark infringement in e-commerce.

RESEARCH METHODS

This research uses a juridical-normative method with a case study approach to several cases of trademark infringement that occurred in Indonesia. Data were obtained from legal document studies, trademark infringement case studies, and analysis of trademark protection policies implemented by e-commerce platforms. The results of the study indicate that although there are regulations governing trademark protection, such as Law No. 20 of 2016 concerning Trademarks and Geographical Indications and Government Regulation No. 80 of 2019 concerning Trade Through Electronic Systems, there are still gaps in the implementation of the law that allow violations to continue to occur.

RESULTS AND DISCUSSION

Legal Protection of Trademarks in Indonesia in the Context of Electronic Commerce.

Legal protection for trademarks is a crucial part of the intellectual property law system, providing certainty and fairness for businesses. In the era of globalization and the development of information technology, trade is undergoing a rapid transformation into a digital form through e-commerce. Brands not only serve as product identities, but also serve as valuable economic assets and strategic instruments for building reputation and consumer trust. Brand protection is a pressing need to ensure businesses can compete fairly and avoid unfair practices such as imitation, counterfeiting, or unauthorized use of trademarks.

Normatively, trademark protection in Indonesia is regulated by Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which grants exclusive rights to registered trademark owners. This law affirms the first-to-file principle as the basis for granting trademark rights and prohibits registrations that are substantially similar, made in bad faith, or imitate well-known trademarks. This protection is reinforced by Law Number 11 of 2008 concerning Electronic Information and Transactions, which guarantees the

protection of intellectual property rights in digital transactions, and Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems, which regulates the obligations of online businesses to ensure that the products they sell do not violate intellectual property rights. Minister of Trade Regulation Number 50 of 2020 emphasizes the responsibility of marketplaces to remove and block products that violate trademarks. The national legal framework has provided a strong foundation for protecting trademark rights in the digital space, both preventively and repressively.

However, in practice, legal protection for trademarks in e-commerce still faces various structural and cultural challenges. From a law enforcement perspective, obstacles remain, including weak oversight of counterfeit products, slow marketplace response to violations, and difficulty identifying perpetrators due to the use of anonymous identities on online platforms. From a societal perspective, low consumer and business awareness of the importance of trademark rights has led to a rise in violations such as counterfeiting, cybersquatting, and unauthorized use of brand names. Trademark infringement causes significant losses for rights owners and undermines consumer trust.

As a human intellectual creation, a brand plays a vital role in economic and trade activities. A brand is defined as a graphically displayed sign in the form of an image, logo, name, word, letter, number, two- or three-dimensional color scheme, sound, hologram, or a combination of these elements to distinguish the goods or services produced. Registered trademarks receive legal protection for a specified period based on the registration certificate. This protection aims to prevent counterfeiting, imitation, and the unlawful appropriation of intellectual property rights.

Trademark infringement in Indonesia can be categorized into three main areas. First, infringement that causes confusion regarding source, sponsorship, affiliation, or connection. Second, counterfeiting by using a substantially indistinguishable mark. Third, reducing the capacity of a well-known mark to identify and distinguish its goods or services. In e-commerce, various forms of violations frequently occur, including the sale of counterfeit or imitation products, unauthorized use of brand names, cybersquatting, keyword hijacking, illegal parallel imports, counterfeiting of packaging and labels, and illegal franchising or dropshipping.

Brand protection mechanisms in e-commerce include official brand registration with the Directorate General of Intellectual Property, marketplace monitoring and prevention through reporting and blocking features for infringing products, legal action against violators through commercial courts, and criminal sanctions for violators, with a maximum penalty of five years' imprisonment or a fine of two billion rupiah. This legal protection is a manifestation of the law's function, which aims to provide justice, benefit, and legal certainty.

Zen Umar Purba emphasized that legal protection for intellectual property has two primary functions. First, it serves as a non-economic incentive to encourage individual creativity and enhance human achievement. Second, it serves as an economic mechanism to protect creators from financial losses resulting from fraudulent practices. Legal protection will encourage investment and strengthen investor confidence in conducting business in Indonesia.

Three important case studies illustrate the application of trademark protection in Indonesia. First, the dispute between MS Glow and PS Glow highlights the issue of fundamental similarity and bad faith in trademark registration. This case resulted in contradictory decisions between the Medan and Surabaya Commercial Courts, demonstrating inconsistent legal application that creates legal uncertainty. This dispute underscores the importance of legal certainty in trademark registration and consistent law enforcement, particularly in the face of the dynamics of digital commerce that increase the risk of counterfeiting.

Second, the EIGER trademark dispute between Budiman Tjoh and Ronny Lukito highlighted the conflict between the first-to-file principle and the protection of well-known trademarks. The Supreme Court, through its Judicial Review Decision, finally upheld the legal position of the registered trademark, arguing that Budiman Tjoh had fulfilled the formal legal requirements since 1987. This case serves as an important lesson that legal protection for trademarks in Indonesia relies heavily on formal registration and demonstrates the importance of careful substantive examination to avoid legal overlap and uncertainty.

Third, the dispute between PUMA and PUMADA, a classic example of trademark conflict, stemmed from the similarity of names and the potential for piggybacking on global brand

fame. The Supreme Court dismissed PUMA's lawsuit, stating that there was no substantial similarity and no evidence of bad faith in PUMADA's registration. This ruling affirms that protection of a well-known trademark does not automatically override the rights to a trademark that has been legally registered in Indonesia if there is no evidence of substantial similarity or bad faith.

These three cases demonstrate that trademark legal protection in Indonesia prioritizes the first-to-file principle, the principle of specialization, and the principle of territoriality. While the normative legal framework is adequate, implementation still faces challenges in the form of inconsistent court decisions, weaknesses in substantive examinations at the Directorate General of Intellectual Property Rights (DJKI), lack of consumer awareness, slow enforcement by marketplaces, and difficulty identifying infringers on digital platforms.

Trademark legal protection in e-commerce requires strengthening both preventive and repressive aspects. Preventive protection through registration and rigorous substantive examinations needs to be strengthened to prevent disputes from occurring in the first place. Meanwhile, repressive protection through lawsuit mechanisms and tiered legal remedies must be applied consistently with clear evidentiary standards, particularly regarding the elements of bad faith and substantial similarity. Coordination between the Directorate General of Intellectual Property Rights (DJKI), the courts, and e-commerce platforms needs to be strengthened to ensure legal certainty for brand owners, protect consumers from misinformation, and create a healthy, equitable, and highly competitive digital business ecosystem in Indonesia.

Effectiveness of Law Enforcement in Handling Trademark Violations in Indonesia in Electronic Commerce.

The effectiveness of law enforcement in handling trademark infringement in Indonesia, particularly in the context of e-commerce, can be measured using Soerjono Soekanto's Theory of Legal Effectiveness. This theory explains that the success of law is measured not only by how well written rules are formulated, but also by the extent to which those laws can be implemented in real life. Legal effectiveness reflects the law's effectiveness in regulating societal behavior and its ability to achieve its primary goals: justice, certainty,

and utility. Effective law is law that exists not only at the normative level but also truly functions in practice. Legal effectiveness depends on the balance between the law's content, its implementers, and the social and cultural conditions of the community in which the law operates.

According to Soerjono Soekanto, there are five main factors that influence the effectiveness of the law: the legal factor itself or legal substance, law enforcement factors, facilities and infrastructure factors, community factors, and cultural factors. Legal factors encompass the quality and clarity of applicable legal norms, including the extent to which regulations can provide certainty and justice. Law enforcement factors relate to the professionalism, integrity, and coordination of officials in enforcing legal norms fairly and consistently. Facilities and infrastructure factors encompass human resource support, infrastructure, and technology that support law enforcement. Community factors emphasize the importance of legal awareness, compliance, and public participation, while cultural factors relate to the values, norms, and mindsets that exist in society that influence the acceptance and implementation of the law.

In the context of trademark protection in the era of e-commerce, Soerjono Soekanto's theory of legal effectiveness serves as a relevant framework for assessing the extent to which the law is capable of providing real protection. The legal substance stipulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications, Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems, and the Consumer Protection Law is actually adequate normatively. However, legal effectiveness is often weakened by inconsistent enforcement, limited digital resources, low public awareness of trademark rights, and a legal culture that still tolerates imitation of well-known brands. Effective law enforcement against trademark infringement in e-commerce requires not only strong regulations but also institutional strengthening, modernization of digital oversight systems, and the establishment of a legal culture that respects intellectual property rights.

Analysis of three main case studies, namely MS Glow versus PS Glow, EIGER versus Budiman Tjoh, and PUMA versus PUMADA shows that law enforcement against trademark infringement in Indonesia has made significant progress in the repressive aspect through the courts, but still faces weaknesses in preventive protection, limited facilities,

public legal awareness, and cultural factors that influence the interpretation of justice and protection of well-known brands.

From the legal or legal substance aspect, trademark protection in Indonesia is regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications which establishes the first-to-file principle where exclusive rights to a trademark are granted to the party who first registers its trademark with the DJKI, the prohibition of similarities in essence which rejects trademark registration applications that have similarities in essence or in whole with other registered trademarks for similar goods or services, the prohibition of bad faith, namely registrations made with the aim of piggybacking on the fame of other trademarks or creating unfair business competition must be rejected, as well as the protection of well-known trademarks which provides additional protection to brands that are recognized as having a wide reputation. In the context of electronic commerce, this protection is strengthened by various regulations that state that trademark protection applies to all trading media including digital platforms.

The three case studies demonstrate that the existing legal substance is normatively adequate, but its effectiveness depends on the implementation and consistency of the authorities. In the MS Glow versus PS Glow case, there was an inconsistency in legal interpretation between the Medan Commercial Court, which canceled the PS Glow trademark registration, and the Surabaya Commercial Court, which ruled in favor of PS Glow, demonstrating a weakness in legal certainty that creates confusion for business actors. In the EIGER versus Budiman Tjoh case, the Supreme Court, through a Judicial Review, upheld the first-to-file principle by ruling in favor of Budiman Tjoh as the first registrant, although this demonstrated a weakness in the preventive system because the DJKI had previously accepted registrations that were essentially similar. In the PUMA versus PUMADA case, the Supreme Court affirmed the territoriality and first-to-file principles by stating that PUMA's global reputation could not remove the exclusive rights of PUMADA, which registered the trademark first in Indonesia. All three cases emphasize that the legal substance in Indonesia fulfills the elements of legal certainty normatively, but its effectiveness in providing substantive justice and social benefits is not yet fully optimal.

From a law enforcement perspective, analysis shows that law enforcement officers serve as a bridge between legal norms and social reality, but legal effectiveness is compromised when they lack integrity, professionalism, or proper coordination. The Directorate General of Intellectual Property Rights (DJKI)'s performance as the frontline agent in preventive protection is often a weak point. In several cases, the DJKI has accepted trademark registrations that indicate substantial similarities to previously registered trademarks, demonstrating a lack of thoroughness in substantive examinations and the limitations of database systems for automatically detecting trademark similarity. The courts' role in providing repressive protection is quite visible but inconsistent, such as the differing rulings between the Medan and Surabaya Commercial Courts in the MS Glow versus PS Glow cases, as well as the legal process that takes years through three levels of court before exclusive rights are re-established. In the context of e-commerce, there has been no significant role for other authorities, such as the Ministry of Trade or e-commerce platform operators, in supporting law enforcement against counterfeit products marketed online. The effectiveness of law enforcement is also influenced by the speed of administrative execution. After a court decision to cancel a trademark, the DJKI fails to immediately remove the trademark from the general trademark register, potentially causing public confusion and opening up space for recurrent disputes.

Facilities and infrastructure are vital factors in determining whether the law can be effectively enforced. These three cases demonstrate that weaknesses in administrative and technological facilities at the Directorate General of Trademarks (DJKI) are a primary cause of trademark conflicts that could have been prevented early. The failure of the DJKI database system to identify substantial similarities resulted in some trademarks being accepted even though similar trademarks had already been registered. Weak substantive examination processes allowed for multiple registrations of the same trademark in the same class. The administrative execution process following a court ruling also demonstrated weaknesses, as the DJKI did not always promptly remove revoked trademarks from the General Trademark Register, creating potential public confusion and allowing for recurrence of disputes. The lack of digital technology for monitoring e-commerce platforms also created a loophole that facilitated the circulation of counterfeit products. There is no integrated monitoring system connecting the DJKI with the Ministry of Trade,

the Food and Drug Authority (BPOM), or e-commerce platforms to address trademark violations in real time. This situation demonstrates that although the legal substance and judicial apparatus are quite strong, weak facilities and infrastructure make preventive law enforcement ineffective.

Societal factors reflect legal awareness, compliance, and public perception of trademark protection regulations. The three trademark disputes demonstrate that legal awareness among businesses and consumers in Indonesia remains relatively low. Businesses' continued registration of trademarks with the same dominant elements demonstrates a lack of understanding of the prohibition on similarity and the importance of good faith registration. Many consumers are unaware of the differences in trademark rights for different products, making public confusion difficult to avoid. Low consumer awareness of trademark rights drives high demand for counterfeit goods with similar trademarks, which harms genuine trademark owners. Micro, small, and medium enterprises often delay registering trademarks due to a lack of understanding of the benefits of registration or considering the process to be complicated and expensive. Public awareness of reporting trademark infringement in e-commerce is also low, partly due to a lack of understanding of the complaint mechanism, and partly due to viewing counterfeit products as a cheap alternative without considering the legal implications.

Cultural factors relate to the values, norms, and legal culture prevailing in society. In the Indonesian context, the culture of piggybacking on fame by imitating the names or logos of well-known local and international brands is still thriving, seen as a quick way to attract consumers. A consumerist culture that often prioritizes low prices over product authenticity creates high demand for counterfeit goods, thus incentivizing producers to infringe on trademark rights. There is a cultural perception that local brands that develop later and have greater reputations and popularity in the public eye are considered to have more rights to the name than the owner of the first registered brand, even though this perception contradicts the first-to-file principle. A legal culture that does not fully support the protection of intellectual property rights poses a serious challenge to the effectiveness of the law because without a change in public mindset about the importance of respecting trademark rights, infringement will continue to occur even though the law is clear.

In conclusion, the effectiveness of law enforcement against trademark infringement in Indonesia in e-commerce remains partial: normatively strong but weak in implementation, particularly in preventive protection. Based on Soerjono Soekanto's five factors of legal effectiveness, existing regulations have provided legal certainty through the first-to-file principle, the prohibition of similarity in substance, protection against bad faith, and protection of well-known brands. However, three major disputes demonstrate that the DJKI's weak substantive examination, inconsistent court decisions, slow administrative execution, lack of digital oversight, and low public legal awareness and a culture of piggybacking on fame remain major obstacles. Legal protection is relatively effective in repressive terms in the courts, for example, the Supreme Court upheld the first-to-file principle in the EIGER and PUMADA cases. However, the legal benefits for businesses and consumers have not been optimal due to limited facilities, inter-institutional coordination, and weak oversight of e-commerce platforms. Although the law has fulfilled the element of certainty, its effectiveness in providing substantive justice and protection in the digital space still needs to be strengthened through digitalization of supervision, increased capacity of officials, and public education.

CONCLUSION

1. Legal protection for trademarks in Indonesia in the context of e-commerce is implemented through Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which grants exclusive rights to the party who first registers their trademark (first-to-file) with the Directorate General of Intellectual Property (DJKI), and is strengthened by the ITE Law and Government Regulation No. 80 of 2019 concerning Trade Through Electronic Systems, which requires e-commerce platforms to ensure that the products they sell do not violate intellectual property rights. This system relies on two dimensions: preventive, namely through registration and substantive examination of DJKI to prevent any similarities in principle with other brands, and repressive, namely through trademark cancellation lawsuits in the Commercial Court and criminal or administrative sanctions for violators. However, the three case studies, namely MS Glow vs. PS Glow, EIGER vs. Ronny Lukito, and PUMA vs. PUMADA, show that despite an adequate

national legal framework, preventive protection is often weak due to negligence in substantive examinations and limited recognition for well-known brands that have not been registered locally, so that disputes are often resolved through litigation. Legal protection in Indonesia can be considered effective in repression to restore violated rights, but it still needs to be strengthened in the preventive aspect by integrating technology-based inspection systems, public complaint mechanisms, and strict supervision of e-commerce platforms to ensure legal certainty, justice, and consumer protection in the digital era.

The effectiveness of law enforcement against trademark infringement in Indonesia in e-commerce is considered quite strong normatively but weak in implementation, especially in preventive protection. Based on Soerjono Soekanto's five factors of legal effectiveness, regulations such as Law No. 20/2016 concerning Trademarks and Geographical Indications, the ITE Law, PP No. 80/2019 concerning PMSE, and the Consumer Protection Law have provided legal certainty through the first-to-file principle, prohibition of similarity in principle, protection against bad faith, and protection of well-known brands. However, the three case studies, namely *MS Glow vs. PS Glow*, *EIGER vs. Budiman Tjoh*, and *PUMA vs. PUMADA*, show weak substantive examinations at the DJKI, inconsistencies in judges' decisions, slow administrative execution, minimal digital supervision in the marketplace, as well as low public legal awareness and a culture of "piggybacking on fame." While repressive law enforcement through the courts is effective, as the Supreme Court upheld the first-to-file principle in the *EIGER* and *PUMADA* cases, it has not been optimal in providing substantive benefits and justice for businesses and consumers. Therefore, legal effectiveness needs to be improved through strengthening digital oversight systems, harmonizing court decisions, increasing the capacity of the Directorate General of Intellectual Property Rights (DJIP), and educating the public to ensure fairer, more efficient, and more reliable trademark protection in the digital space.

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