

The Legal Arrangements of Intellectual Property Rights in Indonesia on Addressing Priority Watch List Status

Oktavia Pitta Marito Manurung¹⁾, Jinner Sidauruk²⁾ & Samuel FB Situmorang³⁾

¹⁾Faculty of Law, Universitas HKBP Nommensen Medan-Indonesia, E-mail: oktaviapittamarito.manurung@student.uhn.ac.id

²⁾Faculty of Law, Universitas HKBP Nommensen Medan-Indonesia, E-mail: jinner.sidauruk@uhn.ac.id

³⁾Faculty of Law, Universitas HKBP Nommensen Medan-Indonesia, E-mail: samuel.situmorang@uhn.ac.id

Abstract. *Intellectual property law enforcement in Indonesia is not a new issue. Indonesia is still included in the Priority Watch List issued by the United States Trade Representative (USTR), which has an impact on the dynamics of international trade, particularly in influencing the decisions of foreign business actors to conduct trade activities in Indonesia. The issues examined in this research include: (1) How intellectual property law, specifically the provisions in Law No. 20 of 2016 concerning Trademarks and Geographical Indications, relate to trademark infringement as stated in the 2024 Special 301 Report by the USTR; and (2) what is the role and responsibility of the Indonesian Government in handling the Priority Watch List status in the 2024 Special 301 Report by the USTR. This research used a prescriptive normative (doctrinal) legal research method, with the aim of providing a comprehensive understanding of legal issues related to trademarks and government responsibilities in the context of international trade. The result show that the role and responsibility of the Indonesian government in addressing priority watchlist status, including raids and raids, conducting international cooperation with INTERPOL, USPTO. Indonesia is also active in implementing socialization and education on the importance of complying with intellectual property laws, to the point of forming an intellectual property task force such as an operational task force (Satgas OPS) to handle complaints of intellectual property violations.*

Keywords: Brand; Intellectual Property Law, Priority; Watchlist.

1. Introduction

Intellectual Property Rights (IPR) are property rights that arise from rational thought processes, but also encompass emotional outcomes, namely works produced from deep feelings and thought. These intellectual works are a manifestation of the harmony between rationality and emotion, resulting in intangible creative products, also known as immaterial objects. (Saidin OK, 2015) Thus, Intellectual Property Rights not only protect the results of logical thought but also

recognize the emotional value contained within each intellectual work. Accordingly, intellectual property law is a legal field concerned with creative endeavors, commercial reputation, and good faith.(David I Bainbridge, 2010), this law aims to prevent others from copying or taking unfair advantage of the work or reputation of others and to provide compensation if this happens.

Intellectual Property includes copyrights, trademarks, geographical indications, patents, industrial designs, integrated circuit layout designs, trade secrets, and plant variety protection. Among these components, trademarks play a very important role in facilitating trade and establishing product identity in the international market. The existence of a trademark functions to prevent consumers from being misled in choosing a product, with the presence of a trademark being a differentiator of a product that shows its characteristics, so that consumers can recognize a similar product whose creator is different.(Rachmadi Usman, 2021)

Intellectual property law enforcement in Indonesia is an increasingly pressing issue, particularly as the country is on the priority watch list (PWL) issued by the United States Trade Representative (USTR). The USTR is the US government agency responsible for developing and advising on trade policy directly to the President of the United States.

The United States is a country with a significant level of industrial development, and the USTR's presence is seen as an effort to strengthen and protect national economic interests. The vastness of the US domestic market and the substantial value of investments in various countries require an adequate protection system. Without appropriate protection mechanisms, high levels of investment and substantial access to the US market could negatively impact national economic stability.(Hanif A, nd)

PWL is a list of countries that according to the USTR have a fairly serious level of intellectual property rights violations from a review of trading partners, namely America as one of the world's largest markets and the existence of the IPR index can affect the country's reputation in international trade.(Mayliya & Putranti, 2019)

In a report released by the United States Trade Representative (USTR), Indonesia is included in the priority watch list (PWL) along with six other countries, namely Argentina, Chile, China, India, Russia, and Venezuela.(“2024 Special 301 Report,” n.d.)The report identifies a range of concerns, including: (a) challenges with border and criminal enforcement against counterfeiting, including in the online environment; (b) high levels of online and broadcast piracy, including through illegal streaming devices; (c) inadequacies in trade secret protection and enforcement in China, Russia, and elsewhere; (d) interference with “indigenous innovation” and forced or suppressed technology transfer policies that may unfairly disadvantage American rights holders in foreign markets; and (e) other ongoing systemic problems regarding intellectual property protection and enforcement, as well as market access, in many trading partners around the world.(Mayliya & Putranti, 2019)

In the 2024 Special 301 Report, the Ongoing Challenges and Concerns highlighted by USTR in Indonesia include; ("2024 Special 301 Report," n.d.)

1. Piracy and counterfeiting, lack of enforcement against counterfeit goods, lack of deterrent-level penalties for IP infringement in physical and online markets, and ineffective border enforcement.
2. Online piracy through piracy devices and applications
3. Unauthorized video recording and use of unauthorized software and online piracy through pirated devices and applications are still rampant.
4. Indonesia's law on geographical indications (GI), which raises questions about the impact of new GI registrations on pre-existing trademark rights and the ability to use generic food names.

This status indicates that Indonesia faces serious challenges in protecting and enforcing intellectual property rights, which has negatively impacted the country's reputation among foreign investors. Indonesia's priority watch list has led foreign investors to perceive Indonesia as having numerous problems with its intellectual property legal system, law enforcement, and intellectual property protection.

Indonesia's entry into the PWL is a major blow to the government, particularly the Directorate General of Intellectual Property (DJKI), which serves as the legal framework for enforcing intellectual property law in Indonesia. This statement aligns with Lawrence M. Friedman's Theory of Legal System, which outlines three main elements of a legal system: Structure, Substance, and Culture. (Lawrence M Friedman, 1975) Legal Structure according to Friedman,

"The structure of a system body of the system, the tough, rigid bones that keep the process flowing within bounds. We describe the structure of the judicial system when we talk about the number of judges, the jurisdiction of courts, how higher courts are stacked on top of lower courts, what persons are attached to various courts, and what their roles consist of."

This means that legal measures are legal institutions that serve as the foundation for upholding the legal system. This section encompasses the legal order, legal institutions, law enforcement officials and their authorities, legal instruments, and the processes and performance related to the implementation and enforcement of the law. The Directorate General of Intellectual Property Rights (DJKI), as part of this legal structure and a government agency, is actively implementing improvements in the areas of intellectual property, law, enforcement, and protection of intellectual property rights (IP) to ensure Indonesia's exit from the PWL (Public Law) and its goal of achieving a sound legal system.

The duties and authorities of the DJKI based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. M.09-Pr.7.10 of 2007 include;

1. Formulating policies in the field of intellectual property protection, managing the settlement of intellectual property registration applications, implementing prevention and handling of complaints, conducting investigations and providing alternative resolutions for intellectual property infringement disputes, establishing cooperation and supporting the empowerment of intellectual property and information technology in the field of intellectual property, while also providing various services related to intellectual property;
2. Implement policies related to intellectual property protection.,
3. Providing technical guidance and supervision in the field of intellectual property protection,
4. Implementation of the Directorate General's administration
5. Implementation of other functions assigned by the Minister.

From the function or role of DJKI, DJKI has a role in handling complaints, investigations in the event of intellectual property violations.

2. Research Methods

This research used a normative legal research method with a perspective. Where, the author takes a comparative approach through a comparative analysis between intellectual property regulations, especially trademark rights, as regulated in Law No. 20 of 2016 concerning Trademarks and Geographical Indications with the provisions regarding Trademarks in the Special 301 Report of 2024. Next, the author implements a legislative approach by analyzing regulations related to intellectual property rights in Indonesia, especially trademark rights.

In this study, data collection was conducted through a literature study of secondary data sources, which include primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include Law No. 20 of 2016 concerning Trademarks and Geographical Indications, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. M.09-Pr.7.10 of 2007, Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Electronic Commerce, and the provisions of the Special 301 Report 2024 by the USTR. Then, secondary legal materials include scientific studies and legal literature, tertiary legal materials include previous research journals, and other relevant reading sources as needed.

3. Results and Discussion

3.1. Regulation of Law No. 20 of 2016 concerning Trademarks and Geographical Indications Regarding Trademark Infringements in 2024 Special 301 Report by USTR

Law No. 20 of 2016 concerning Trademarks and Geographical Indications in Indonesia stipulates the protection of trademark rights and geographical indications as an effort to support healthy business competition, protect consumers, and support the development of MSMEs and domestic industries. This law also provides a strong legal basis for the enforcement of intellectual property rights, in order to provide legal certainty and optimal protection for industrial, trade, and investment actors in facing economic dynamics at the local, national, regional, and international levels.

In the 2024 Special 301 Report by the United States Trade Representative (USTR), Indonesia was included in the list of countries monitored for the protection and enforcement of intellectual property rights. This report highlights various issues faced by US trading partners in protecting and enforcing intellectual property rights, including trademark infringement. The USTR noted that Indonesia has made some progress in enforcing intellectual property rights. However, several issues remain that law enforcement officials need to address, such as more effective law enforcement against trademark infringement and increasing awareness of the importance of trademark protection. Some of the issues raised in the report include:

1. *Counterfeit Goods*: Counterfeit goods that infringe trademarks and potentially endanger the health and safety of consumers.
2. *Enforcement Challenges*: Challenges in enforcing trademark infringement laws include a lack of resources and coordination between agencies.
3. *Market Access Barriers*: Barriers to market access for products protected by trademarks, which can hinder international trade.

Law No. 20 of 2016 concerning Trademarks and Geographical Indications, hereinafter referred to as the Trademark and Geographical Indications Law, provides a solid legal basis for protecting trademarks from infringement. However, the effectiveness of intellectual property protection and enforcement in Indonesia remains insufficient. (Atmoko, 2020) This is supported by data published by the United States Trade Representative in its 2024 Special 301 Report, which states that Indonesia is included in the Priority Watch List. In fact, Indonesia has consistently held this status. The report reveals that intellectual property violations in Indonesia remain quite widespread, ranging from copyright, patent, and industrial design violations to trademark violations. Trademarks, as intellectual property rights, also carry moral and economic rights. (Roji, 2023)

In Indonesia, legal protection against trademark infringement practices has actually been accommodated through Law No. 20 of 2016 concerning Trademarks and Geographical Indications. Legal protection of trademarks is carried out in a preventive and repressive manner. However, the regulation regarding trademark dilution in Indonesia is merely a concept of trademark dilution which is implicitly regulated in Article 21 paragraph (1) letter c of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, which

is basically aimed at preventing confusion, errors, or fraud among consumers regarding the origin of marketed goods. However, in the context of the concept of trademark dilution, sometimes consumers experience confusion because they think that a well-known brand that already exists is being extended to other types of goods or services that have no direct connection with the brand. Thus, the practice of trademark dilution is quite dangerous for dissimilar goods, because if this practice is carried out continuously, it will have a major impact on well-known brands which will become increasingly obscure over time.(Fitria, 2024)

Legal protection for brands can be realized through preventive protection mechanisms and repressive protection measures. Furthermore, the importance of legal protection for brands is not only to protect brand holders from unlawful acts without permission from other parties, but also to protect consumers from potential losses that can be caused by unauthorized legal entities regarding goods and/or services. Normatively, in Indonesia, legal protection for brands is regulated by the Trademark and Geographical Indications Law. Furthermore, Indonesia has ratified various international legal instruments governing the protection of brand rights, such as the Trademark Law Treaty (TLT), the WIPO Agreement, the TRIPs Agreement, the Paris Convention, the Madrid Protocol, and others. Meanwhile, legal protection for widely recognized brands against brand dilution through e-commerce platforms is regulated by the Trademark and Geographical Indications Law, the Trade Law, the Electronic Information and Transactions Law, and several derivative regulations.

In dealing with trademark infringements identified in the 2024 Special 301 Report by the USTR, the Trademark and Geographical Indications Law regulates various law enforcement actions that can be taken. First, the Trademark and Geographical Indications Law grants exclusive rights to registered trademark holders to use the trademark in the context of carrying out legal trade in goods and/or services. If a trademark infringement occurs, the trademark holder has the right to sue in civil court to demand compensation and the termination of all forms of use of the trademark that are proven to be unauthorized. This is in accordance with the provisions of Article 83 of the Trademark and Geographical Indications Law, which states that registered trademark holders have the authority to file a civil lawsuit with the Commercial Court against parties who illegally use an identical or similar trademark to theirs on similar goods and/or services.

Second, The Trademark and Geographical Indications Law also regulates criminal sanctions for trademark violations, including imprisonment and/or fines for violators as stipulated in Articles 100-103 of Law No. 20 of 2016 concerning Trademarks and Geographical Indications. This criminal law enforcement aims to provide a deterrent effect and protect the interests of brand owners and consumers. In addition, the Trademark and Geographical Indications Law encourages cooperation between the government, law enforcement officials, and other stakeholders to increase the effectiveness of law enforcement against trademark violations. The Indonesian government has undertaken

various efforts, such as raids and raids on the circulation of counterfeit goods, to address this problem. However, despite these law enforcement efforts, the USTR in its report noted that there are still challenges that need to be addressed, such as improving coordination between agencies and adequate resources for more effective law enforcement.

Preventive measures to protect brands from dilution practices on e-commerce platforms involve registering the brand and monitoring its use, so that the brand is protected from infringement.(Wijanarko & Pribadi, 2022)This protection is important because of its territorial nature, so well-known brands that have already promoted and invested in various countries need to be registered immediately in the relevant country to obtain local legal protection. In Indonesia, the trademark registration process follows the "first to file" principle, meaning that trademark registration is required to obtain exclusive rights, as stipulated in Article 3 of the Trademark and Geographical Indications Law. Well-known trademarks have priority rights in their registration in accordance with the "national treatment" principle stipulated in the TRIPs Agreement and the Paris Convention. This priority right is closely related to trademark registration, so that anyone who applies for registration in a member country of the Paris Convention must exercise priority rights for a certain period in accordance with Articles 9 and 10 of Law No. 20 of 2016 concerning Trademarks and Geographical Indications. In the United States, preventive legal protection is provided through the "first in time equals first in right" principle, which applies when a trademark owner first uses its trademark commercially in a certain territory. The territorial principle is also applied, where the use of the trademark is prioritized only in the United States. Under the Trademark Dilution Revision Act of 2006, there are legal consequences such as "opposition of registration" and "cancellation of registration" to counter the dilution of a well-known trademark.

Repressive efforts for legal protection are provided by the government through policies in applicable positive law, which include legal sanctions, both civil and criminal.(Sulastri et al., 2023)In the Trademark and Geographical Indications Law, civil consequences include compensation or the cessation of all actions related to the use of the trademark, as stipulated in Articles 76, 77, 83, and 84 of the Trademark and Geographical Indications Law. Meanwhile, criminal consequences are carried out through criminal prosecution by law enforcement officials in accordance with Articles 100 and 102 of the Trademark and Geographical Indications Law. In addition, repressive legal protection can also be carried out through non-litigation dispute resolution, or Alternative Dispute Resolution (APS), as stipulated in Article 93 of the Trademark and Geographical Indications Law. Article 13 of Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Trade Through Electronic Systems states that trading activities through electronic systems must provide complete, correct, clear, and honest data and information, with criminal sanctions if business actors violate this. Therefore, if there are actors who sell goods and/or services originating from trademark violations, including brand dilution, this provision can be

subject to administrative sanctions. Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Electronic Commerce also states that electronic transactions must be based on the principles of prudence, good faith, and transparency. If prohibited electronic information or documents, including those containing intellectual property violations, are found, notification and takedown procedures may be implemented.

A comparative analysis of Law No. 20 of 2016 concerning Trademarks and Geographical Indications and trademark infringement in the 2024 Special 301 Report shows that although Indonesia has made some progress in enforcing intellectual property rights, challenges remain. The USTR noted that law enforcement against trademark infringement in Indonesia still needs to be improved, particularly in terms of inter-agency coordination and adequate resources for more effective law enforcement. An evaluation of the conformity between Law No. 20 of 2016 concerning Trademarks and Geographical Indications and trademark infringement in the 2024 Special 301 Report shows that the Trademark and Geographical Indications Law is already quite comprehensive in providing legal protection for trademarks. Implementation and increased effectiveness of law enforcement are still needed to address trademark infringement identified in the USTR report. The Indonesian government needs to continue to improve law enforcement efforts, including through collaboration with international parties and raising awareness of the importance of trademark protection.

Therefore, Indonesia's Trademark and Geographical Indications Law has several weaknesses or loopholes that could allow trademark infringement to occur. Here's an analysis of some of these weaknesses:

1. The "First to File" Principle: The trademark registration system in Indonesia applies the 'first to file' principle, which states that exclusive rights to a trademark are granted to the party who first files an application for registration of the trademark. This can be exploited by legal entities who do not have the legal authority to register an international trademark first in Indonesia, so that the original trademark owner must face legal disputes to regain the rights to the trademark:(Prime, 2017)
2. Multiple interpretations in the definition of famous trademarks and their similarities: The definition of similarities of famous trademarks in the Famous Trademarks and Geographical Indications Law is still multi-interpretable, so that it can give rise to different interpretations in law enforcement, for example on what benchmarks or qualifications are set out in the Trademark Law that decide that the trademark is piggybacking on the fame of a famous brand. This can certainly cause legal uncertainty and make it difficult for famous trademark owners to protect their trademarks from infringement.(Prime, 2017)

3. Lack of Oversight and Law Enforcement: Although the Trademark Law stipulates criminal and civil sanctions for trademark infringement, implementation and enforcement remain ineffective. A lack of resources and coordination between law enforcement agencies is one factor contributing to the continued prevalence of trademark infringement.(Adani & Santoso, 2023).

4. Lack of Awareness and Education: Public awareness and education regarding the importance of brand protection remains low. Many businesses still don't understand the importance of registering their brands and protecting their intellectual property rights. This can lead to the continued proliferation of counterfeit brands in the marketplace.(Anggraini MN, 2021)

To overcome these weaknesses, it is necessary to improve coordination between law enforcement agencies, increase resources for law enforcement, and provide information and publication to the public regarding the urgency of trademark protection.

3.2. The Role and Responsibilities of the Indonesian Government in Handling Priority Watch List Status in the 2024 Special 301 Report by the USTR

The Priority Watch List status impacts Indonesia's image among foreign investors. Therefore, the government is working hard to remove it from the list to create a more conducive investment climate. It is crucial for Indonesia to be removed from the Priority Watch List for several strategic reasons that directly impact the economy, reputation, and national development:

a. Improving the Investment Climate

Priority Watch List status could erode foreign investor confidence in Indonesia's intellectual property protection. By removing it from the list, Indonesia could improve its image as a nation with strong legal regulations, thereby attracting more foreign investment in the technology, creative, and other industrial sectors.

b. Driving Economic Growth

Good intellectual property protection fosters innovation and creativity across various economic sectors. By leaving the Priority Watch List, Indonesia can strengthen a healthy innovation ecosystem, deliver sustainable economic benefits, and support global competitiveness.

2. Strengthening International Trade Relations

Priority Watch List status is often a key indicator of bilateral trade relations, particularly with major countries like the United States. Removal from this list would improve Indonesia's standing in international trade negotiations and open up broader export market opportunities.

3. Avoiding International Pressure

Priority Watch List status puts pressure on the government to improve regulations and enforcement of intellectual property laws. Remaining on the list will place Indonesia under increased scrutiny, potentially impacting national policy. By leaving the list, Indonesia has greater flexibility in determining the direction of domestic policy.

4. Protecting Local Creative Industries(Bayani & Santoso, 2024)

Priority Watch List status highlights the challenges in protecting copyrights and brands, including local products. By improving intellectual property protection and removing them from this list, local creative industries can thrive without the threat of infringement or counterfeiting.

Indonesia has been on the Priority Watch List for over 10 consecutive years, according to the latest USTR report. This status indicates that Indonesia still faces challenges in the protection and enforcement of intellectual property laws, despite various efforts to improve the situation. Therefore, the Indonesian government plays a crucial role in addressing the Priority Watch List status granted by the United States Trade Representative in its Special 301 Report 2024.

Based on the USTR report, the following is concrete evidence of the role and responsibility of the Indonesian Government in handling Priority Watch List status in the Special 301 Report 2024 by the USTR:

1. Raids and Seizures: The Indonesian government, through the Directorate General of Intellectual Property (DJKI) and law enforcement officials, actively conducts raids and seizures of counterfeit goods that infringe on intellectual property rights. For example, in October 2023, Indonesia collaborated with INTERPOL and other international authorities to arrest operators of counterfeit goods and seize servers and streaming equipment. ("2024 Special 301 Report," n.d.) However, the USTR believes that these efforts need to be increased, including in terms of the number of raids, seizures of goods, and destruction of evidence.
2. International Cooperation: The Indonesian government is collaborating with the United States Patent and Trademark Office (USPTO) and USTR to improve enforcement of intellectual property laws, including cases of trademark and industrial design counterfeiting. ("2024 Special 301 Report," n.d.) In bilateral meetings, the governments discussed strategic steps to exit the PWL, including increasing the number of raids and seizures of goods.
3. Socialization and Education: The government is prioritizing a persuasive approach through socialization and dissemination of information on the importance of intellectual property protection. This aims to raise public and business awareness of the importance

of complying with the International Criminal Police Organization (INTERPOL) intellectual property laws. By 2023, approximately 350 trainers will be sent to educate more than 5,000 elementary school students on intellectual property awareness.

4. Developing a Case Statistics System: The government is developing an online case statistics system to facilitate the monitoring and handling of intellectual property infringement cases. This step is expected to increase transparency and efficiency in law enforcement.

5. Establishment of an Intellectual Property Task Force: The government continues to improve regulations related to intellectual property to ensure optimal protection. One step taken is the establishment of an Operational Task Force (Satgas OPS) to more effectively handle complaints of intellectual property infringement. This task force is responsible for coordinating various relevant agencies in handling infringement cases.

Despite various efforts, the USTR still believes that legal protection and the implementation of enforcement mechanisms for Indonesian intellectual property rights need further improvement. The Indonesian government needs to maintain its commitment to improving the intellectual property legal system and enhancing coordination between relevant institutions. These steps demonstrate the government's commitment to addressing intellectual property violations and improving Indonesia's international image. However, the USTR believes that these efforts need further improvement to address existing challenges.

In theory, it is possible for Indonesia to exit the Priority Watch List status by applying an approach based on responsive legal theory and international regulatory compliance theory such as:

1. Responsive Legal Theory

This theory emphasizes that law must be able to respond to societal needs and global challenges.(Majid, 2021)Within the context of the Priority Watch List, Indonesia can strengthen intellectual property regulations by adapting legal policies to technological developments and international trade. This includes updating laws, improving law enforcement, and educating the public about the importance of intellectual property protection.

2. International Regulatory Compliance Theory

Legal compliance is an individual's internal awareness that arises voluntarily without any external pressure, coercion or orders, to comply with applicable legal provisions.(Yunita, 2021)Based on this theory, countries seeking to improve their international reputation must comply with international standards and agreements, such as the TRIPs Agreement (Trade-Related Aspects of Intellectual Property Rights). By increasing compliance with international standards, such as strengthening trademark,

copyright, and patent protection, Indonesia can demonstrate its commitment to exiting the PWL.

3. Institutional Economic Theory

This theory highlights the importance of strong institutions in supporting economic growth. In this context, Indonesia can strengthen institutions responsible for intellectual property protection, such as the Directorate General of Intellectual Property, to ensure effective and efficient law enforcement.

4. Theory of International Cooperation

This theory emphasizes the importance of collaboration between countries to address global challenges. Indonesia can leverage cooperation with international organizations, such as INTERPOL and the USTR, to increase oversight of intellectual property violations and improve its international image.

By consistently applying these theories, Indonesia has a significant opportunity to move off the Priority Watch List and improve its international reputation. Several law enforcement agencies responsible for enforcing Intellectual Property Rights (IPR) in Indonesia include:

1. Directorate General of Intellectual Property(Wijaya & Kansil, 2025)
 - a. Responsible for the registration, management and protection of Intellectual Property Rights (IPR), including trademarks, patents, copyrights and industrial designs.
 - b. Conducting outreach and education to the public and business actors about the importance of IPR protection.
 - c. Provide complaint services for IPR violations and cooperate with other law enforcement agencies to follow up on cases.
2. Republic of Indonesia National Police (Polri)
 - a. Handle reports of intellectual property rights violations and conduct inquiries and investigations into these cases.
 - b. Conducting raids on counterfeit or illegal goods that violate intellectual property rights.
 - c. Coordinate with DJKI and related agencies to enforce IPR law.
3. Attorney General of the Republic of Indonesia(Saudira, 2024)
 - a. Act as public prosecutor in cases of intellectual property rights violations brought to court.

- b. File criminal charges against perpetrators of intellectual property rights violations based on evidence collected during the investigation.
 - c. Play a role in providing legal opinions regarding IPR cases.
- 4. Commercial Court
 - a. Deciding on civil cases related to intellectual property rights violations, such as trademark, patent, or copyright disputes.
 - b. Resolving cases of intellectual property rights violations through litigation processes in accordance with applicable regulations.
 - c. Providing final and binding decisions in IPR cases.
- 5. Ministry of Communication and Information (Kominfo)(Barbarosa & Sukihana, 2021)
 - a. Monitor and take action against IPR violations that occur on digital platforms, such as copyright infringement in online media.
 - b. Blocking sites or content that violate intellectual property rights based on reports from DJKI or the public.
 - c. Educating the public about the importance of IPR protection in the digital era.
- 6. customs and Excises
 - a. Monitor the circulation of imported and exported goods to ensure there are no violations of intellectual property rights, such as counterfeit or illegal goods.(Ahmad et al., 2021)
 - b. Confiscate goods that violate intellectual property rights at ports or borders.
 - c. Coordinate with DJKI and Polri in enforcing IPR law.(Khairani et al., 2024)

Several countries previously on the USTR's Priority Watch List have since been removed from the list. Here are these countries, along with the steps they have taken, compared to Indonesia:

The following are steps that have been taken by several ASEAN countries to address the problem of enforcing intellectual property rights:

1. Singapore

In supporting the global economy with its advanced technology sector, Singapore has a very strong intellectual property rights protection system, as reported by WIPO (World Intellectual Property Organization). Singapore has an efficient and transparent legal system, which is supported by international arbitration institutions such as the

Singapore International Arbitration Centre (SIAC) and the WIPO Arbitration and Mediation Center.(Permata Sari, 2025)Actions taken by Singapore include the establishment of the Intellectual Property Office of Singapore (IPOS) as a statutory body under the Ministry of Law in 2001 to enforce intellectual property policies. Other actions include regulatory reforms implemented by implementing new laws that meet international standards, such as the TRIPs Agreement. For example, the 2021 revision of Singapore's Copyright Act allows for better copyright protection in the digital age. A previous USTR report indicated that these measures have successfully enhanced Singapore's intellectual property rights protection. To support its regulations, Singapore has established an efficient complaints system to handle IP infringement, specializing in expediting legal proceedings.(Permata Sari, 2025)This certainly does not escape the attention of the community who also cooperate in achieving the effectiveness of intellectual property law.(Putra MAW & Anggraeni HY, 2024)by respecting the intellectual property rights of others. Meanwhile, in Indonesia, many MSMEs do not yet understand the importance of registering trademarks as a legitimate legal protection. Indonesians' understanding of trademark rights is still very minimal, with many even considering registration merely a formality without realizing its function as legal protection. As a result, Indonesia is vulnerable to rights violations, such as trademark counterfeiting, which can harm the economy and reduce business value.(Destika & Hanasuri, 2025)

2. Thailand

Thailand has made significant progress in improving the protection and enforcement of intellectual property rights (IPR). In July 2023 and January 2024, Thailand published draft amendments to its Copyright Act for public input, aiming to facilitate access to the WIPO Treaty on Sound Performances and Recordings (WPPT). Thailand is still in the process of revising its Patent Act to simplify the patent registration process, reduce patent backlogs and delays, and prepare for joining the Hague Treaty concerning the International Registration of Industrial Designs.(“2024 Special 301 Report,” n.d.)Thailand also contributes to awareness-building and campaign activities as a means of building respect for intellectual property rights, while other countries that contribute include Denmark, Japan, Mali, Mexico, Niger, Oman, and the Philippines.(Wipo, nd)The Thai government has launched national awareness campaigns, including the "Stop Piracy Campaign," supported by both the public and private sectors. The adoption of technology to monitor online violations is evidenced by collaborations between the Thai government and global digital platforms.

In the 2020 USTR report, Thailand officially exited the PWL after demonstrating a significant reduction in IPR infringement cases and improvements in enforcement policies. However, in the 2024 USTR report, Thailand remains on the watch list.

3. Malaysia

Malaysia has established a task force tasked with addressing trademark infringement and counterfeit goods. The USTR report found Malaysia to have successfully increased the number of raids and seizures of counterfeit goods. One example is a large-scale raid in a popular shopping area in Kuala Lumpur in 2019, which involved coordination with international brand owners. Furthermore, revisions to laws, such as the Trademarks Act 2019, provide a new, stronger legal framework, enabling Malaysia to enforce its intellectual property laws.

4. Indonesia

Indonesia has also conducted raids on illegal and counterfeit goods, for example in collaboration with the International Criminal Police Organization (INTERPOL) in 2023. ("2024 Special 301 Report," n.d.) to catch counterfeiting syndicates. The Directorate General of Intellectual Property (DGIP) is also actively involved in providing IPR registration services and public education through national seminars and campaigns, such as IPR Week 2022. The Directorate General of Intellectual Property (DGIP) sent around 350 trainers to educate more than 5,000 elementary school students on IPR awareness. ("2024 Special 301 Report," n.d.) However, the USTR report noted that law enforcement in Indonesia still faces challenges, including a lack of resources and coordination between agencies.

4. Conclusion

In the Regulation of Law No. 20 of 2016 concerning Trademarks and Geographical Indications regarding trademark violations in 2024 Special 301 Report has been regulated preventively in Article 3 of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, namely regarding the method of trademark registration carried out to obtain exclusive rights and related rights and repressively in Articles 76, 77, 83, 93, 100, and Article 102 of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, namely regarding legal protection for parties whose rights are violated which is carried out by criminal prosecution, or through non-litigation dispute resolution. The role and responsibility of the Indonesian government in addressing priority watchlist status, including raids and raids, conducting international cooperation with INTERPOL, USPTO. Indonesia is also active in implementing socialization and education on the importance of complying with intellectual property laws, to the point of forming an intellectual property task force such as an operational task force (Satgas OPS) to handle complaints of intellectual property violations.

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