KNOWLEDGE AND MOTIVATION OF MICRO, SMALL, AND MEDIUM ENTERPRISES (MSMEs) ON TRADEMARK REGISTRATION AND GEOGRAPHIC INDICATIONS

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Abstract - This study aims to examine the level of knowledge and motivation of Bantarsari MSMEs producers to trademark registration and geographical indications. This study uses a literary study and is supported by surveys and in depth interviews, with a statute approach, a sociological approach and a historical approach, in order to obtain good data from the literature, data support from questionnaires and interviews. The population of this research is the whole community, in this case the MSMEs producers in Bantarsari Village, Rancabungur District, Bogor Regency West Java Province of Indonesia. The research sample is MSMEs producers guided by the MSMEs Cooperative Office in Bantarsari. Based on the results of the analysis and discussion it was concluded that the level of knowledge of MSMEs producers in Bantarsari regarding trademark registration and geographical indications is still low so that it is necessary to be given enlightenment and enrichment of the material as well as training and mentoring, not only when making trademarks, but also facilitating their acquisition and efforts to compare them in the market. The motivation of the Bantarsari MSMEs producer in terms of trademark ownership and geographical indications is still low because it is still struggling with market desires first, but a small number are aware of wanting to register the trademark, introducing products to a wider market, and wanting to reach national and global markets.

Keywords: MSMEs technology, legal protection, trademark, geographical indications, Bantarsari

I. INTRODUCTION

Bantarsari Village, Rancabungur District, Bogor Regency, West Java Province of Indonesia has an area of 341.41 Ha. With a population of 6,224 people in Bantarsari Village. Bantarsari Village is one of the seven villages in Rancabungur District, Bogor Regency. Bantarsari village is at an altitude of ± 165 above sea level (longitut 6.70543 ºE and etitut 106.70543 ºE) and rainfall ± 200 mm, the average air temperature is 28º -- 32º celcius. The choppy area is only 1%. Bantarsari Village is located in the East of Rancabungur District which when taken by vehicle only takes about 15 minutes [1].

Bantarsari community, like other villagers, consists of the profession of farmer, traders, food producers, civil servants and all the people have a “guava crystal” (Jambu Kristal) tree, there are only a few but some have a guava crystal garden land, thus making the iconic guava village attached in this village. For the average temperature in Indonesia, the air rate in Bantarsari is classified as very cool, the expanse of fields and rice fields with various vegetable and other plants, and the garden or field of guava crystal makes the landscape green. Related to this guava crystal according to Ridwan that the main factor of this is that the farming business is influenced by the cashew plantations of farmers who have not yet entered the productive age and dependence of family labor which is still very large [2].

Around Rancabungur Subdistrict, Bantarsari Village has been known for its iconic guava crystals whose products have been sold to a wide market both traditional and super markets. Based on the information from the Village Head, Lukmanul Hakim, in addition to the guava products, cassava chips and tempe chips are famous for being delicious in Bantarsari village and producers have participated in training for export, have had permission for Home Industry Food Lisence (PIRT) but have not been labeled as halal and their trademarks have not been registered [2].
Based on preliminary data from Ihrom chips producer that as cassava chip producer, in the production process the technology for cutting cassava is made manually [3]. Likewise Imad, as “tempe chip” manufacturer, has been facilitated by the kelurahan through related services in the smooth production, has obtained assistance of one machine that helps the process of making chips, and has been included in the technical training of the production process [4].

Both Bantarsari residents, in this case MSMEs, practitioners and academics sometimes also do not understand it, that the trademark is one of the intellectual property rights that are excluded from the ‘violation’ of business competition law. A general misperception exists in trademark and unfair competition conflicts doctrine. Often, courts and scholars assume that domestic actors can be efficiently protected both inside and outside national borders. Reality, however, is different. Unlike international antitrust violations, extraterritorial trademark infringements and unfair competition violations are usually hard to police comprehensively through forum courts. One consequence is that from among the group of competing actors in foreign markets, it is mostly domestic parties that are drawn as defendants into forum courts, resulting in a distortion of competition. Counterintuitively, therefore, we must conclude that extraterritorial is detrimental for domestic parties and foreign costumers alike. Accordingly, jurisdictional self-restraint and abstention should be practiced not so much in the interest of other sovereign states but in the regulator’s own interest in protecting its domestic constituencies [5].

With the condition of residents who are actually MSMEs in Bantarsari Village who are eager to highlight the guava icon and its traditional food, but are constrained both in terms of awareness of the need for trademarks, geographical indications and competitive awareness, researchers want to help overcome the problems of these MSMEs. The problem of MSMEs is of course not only the capital, but also how the production can survive and sell in the market. They have not been handled well, do not understand management, and do not understand about intellectual property, also how to survive in business competition and contracts or transactions both national and global.

The research problem is formulated as follows. What is the level of knowledge of the Bantarsari MSMEs producer community on trademark registration and geographical indications? What is the motivation of Bantarsari MSMEs producer communities in the context of trademark ownership and geographical indications?

The first British trademark regulation was the result of adoption from France in 1857, and then made a separate regulation namely the Merchandise Act of 1862 based on criminal law. In 1883 the Paris Convention on industrial property rights (patents and trademarks) was ratified by many developed and developing countries. Then in 1973 the Madrid agreement was born, an international agreement called the Trademark Registration Treaty. In Indonesia there is a Trademark Law of 1961 that replaces the Industriële Eigendom Kolonien Stb.1912 Regulation number 545 jo.Stb.1913 number 214. The next development in 1992 was born of a new Trademark Law which was later revised in 1997, 2001 by adjusting to TRIPS, then most recently Act number 20 of 2016 concerning Trademark and Geographical Indications.

In Indonesia, trademark based on Law number 20 of 2016 concerning Trademarks and Geographical Indications is a Mark is a sign that can be displayed graphically in the form of images, logos, names, words, letters, numbers, color arrangements, in the form of two dimensions and/or three dimensions, sound, hologram, or a combination of two or more of these elements to distinguish goods and/or services produced by persons or legal entities in the trading of goods and/or services [6].

Geographical Indication (GI) is a sign that indicates the area of origin of goods and/or products which due to geographical environmental factors including natural factors, human factors or a combination of the two factors give a certain reputation, quality, and characteristics of the goods and/or products produced. The right to a Geographical Indication is an exclusive right granted by the state to a
registered Geographical Indication right holder, as long as the reputation, quality, and characteristics on which the protection of the Geographical Indication is based is still available [7]

A trademark used on goods traded by a person or persons jointly or a legal entity to distinguish them from other similar goods. Geographical indication is a sign that indicates the area of origin of goods and/or products due to geographical environmental factors including natural factors, human factors, or a combination of the two factors, giving reputation and quality, and certain characteristics of the goods and/or products produced.

Republic of Indonesia Government Regulation No. 45 of 2016 concerning Non-Tax State Revenue, Trademarks for micro businesses and small businesses are relatively affordable, only IDR 500 thousand (electronically) and manually IDR 600 thousand per class. Start-up entrepreneurs usually feel quite heavy because they pursue behavior first and survive in business.

In essence a trademark is used by producers or trademark owners to protect their products in the form of services or other merchandise. So a trademark has the following functions [8]: a) distinguishing function, namely differentiating one company's products from the products of other companies; b) reputation assurance function, that is, aside from being a sign of the origin of a product, it also personally connects the reputation of the branded product with its manufacturer, while providing a guarantee of the quality of the product; c) the promotion function of the trademark is also used as a means of introducing new products and maintaining the reputation of old traded products, as well as to dominate the market; and d) the function of investment stimulation and industrial growth ie the trademark can support industrial growth through both foreign and domestic investment in the face of free market mechanisms.

In order to provide legal certainty on the use of trademarks, in addition to the application of appropriate regulations, it also needs to be accompanied by law enforcement. According to Soekanto) that law enforcement factors consist of: the legal factors themselves, the law enforcement factors, community factors, and cultural factors [9].

The five factors are closely interrelated, therefore the essence of law enforcement, is also a measure of the effectiveness of law enforcement. Besides that, the use of a trademark in the business world should use good faith, because the trademark can be the object of agreement, for example in a franchise because it uses the trademark licensing rights. Trademark registration must also be carried out in good faith. This good faith is very important in trademark law because it deals with business competition and trademark owner reputation. Agreement in the business world must be carried out in good faith in accordance with Article 1338 paragraph 3 of the Civil Code, which according to Subekti this norm is one of the most important joints of contract law [10].

Based on the constitutive system adopted by the Trademark Law, trademarks must also be registered if they want to get legal protection. In the application process, the conditions that must be fulfilled by a mark in order to be registered are: a) has distinguishing features, b) is a sign of goods or services, c) does not conflict with religious morality, decency and public order, d) not become public property, e) not in the form of information or related to the goods or services requested for registration, f) does not violate the registered geographical indications. It is expressly stated in the Trademark Law and Geographical Indications that the application for registration of a mark is rejected if the mark: (a) has in common the principal or whole with a trademark owned by another party that has already been registered for similar goods or services; (b) has similarity in principle or in whole with a well-known trademark of another party for similar goods and/or services and (c) has similarity in principle or in whole with known geographical indications; (d) constitutes or resembles the name of a famous person, photograph, or the name of a legal entity owned by another person, except with the written consent of the entitled person; (e) is an imitation or resembles the name or abbreviation of the name, flag, symbol or emblem of the state or national or international institution, except with the written agreement of the
According to Miru, the owner of a registered mark may submit a claim to the Commercial Court against another party who without the right to use a trademark that has similarities in principle or in whole for similar goods or services in the form of a claim for compensation and/or termination of all acts related to the use that trademark [11]. Claims for compensation and/or termination of acts related to the unauthorized use of the mark are indeed reasonable, because such actions are detrimental to the legal trademark owner. Not only direct economic loss, but can also damage the trademark image if the goods or services that use the trademark without rights are of lower quality than goods or services that use the trademark legally.

Likewise with regard to geographical indications, users of Geographical Indications are parties who have permission from registered holders of the Right to Geographical Indications to process and/or market Geographical Indication products and/or products. Document Description of Geographical Indications is a document that contains information, including the reputation, quality, and characteristics of goods and/or products related to the geographical factors of the goods and/or products for which the Geographical Indication is being applied. Application for registration of Geographical Indications is submitted by: 1) provincial or district or city regional government, 2) institutions that represent the community in a certain geographical area that is commercializing an item and/or product in the form of: (a). natural resources; (b). handicraft items; or (c). industrial output [12].

Related to the economic context in contract law, Baker and Zhou states that, ”There are two general questions that the law and economics of contract or the economic analysis of contract law aim to answer. The first one is a positive question namely is the existing contract law efficient? The second question is a normative one, namely how can the law of contract be designed to pursue the economic efficiency? From an economic perspective, a contract is viewed as a device for resource allocation.” [13]

Logan states that, “The markets are in the constant flux, always changing and evolving, so traders must adjust to those market shifts in order to maintain an edge. One of the challenging, yet stimulating, things about this business is that you’ll always be learning.” [14] Samuels explains there are at least ten habits of highly successful traders which includes: Establish a trading business for the right reasons, Complete a trader’s business plan, Define your goals, Commit to your education with a trading coach, Understand and exploit your unique trading personality, Follow a system, Plan the trade and trade the plan, Measure your performance, Learn the secrets of succesful traders, Add balance to your life [15].

Tomasic and Leon Wolff [16] states that, “Economic decentring has not yet brought with it sufficient discursive decentering, at least not in our understanding of the intersection of business and law.” Regarding goodwill and trademark roles, Dornis states that, “The common core of protective purposes in trademark and unfair competition law is information economization.” [5] Kieff, and Troy A.Paredes states that, “In economy in which contracting is becoming more pervasive, property rights invent contractual exchange with an important dimension. Also Property rights bring the power of the state to bear on relation between legal strangers.” [17]

Vadi states that, “Relationship between culture and development, pinpointing that culture is the fourth pillar of sustainable development, along with the economic, social and environmental dimensions and that there can be synergy between the protection of cultural resources and sustainable development.” [18] Feld and Mendelson related to entrepreneurship explained that, “Not all investors (and bankers and lawyers, for that matter) realize it, but the entrepreneur is the center of the entrepreneurial universe. Without entrepreneurs there would be no term sheet and no start up ecosystem.” [19]
Intellectual Property is an asset that according to Emanuel corporate assets consist not only of tangible goods but also untangibles like information. [20]. Also according to Barnes, Dworkin & Richards there are intangible and tangible property. Tangible property has a physical existence; property that has no physical existence is called intangible property: patents rights, easements, and bonds are examples of tangible property. [21] Purwaningsih et al [22] states that the number of MSMEs in Indonesia is very large, almost 90% of business operators in Indonesia are MSMEs. The problem is not only about the sustainability of production, but also business entities, hygiene standards, competition, facilities and access to technology, and trademark protection.

II. MATERIALS AND METHODS

This study uses a literary study and is supported by in depth interviews, with a statute approach, a sociological approach and a historical approach, so that data is obtained both from the literature, data support from questionnaires MSMEs producers in Bantarsari, Bogor Regency. The research sample is MSMEs producers guided by the MSMEs Cooperative Office in Bantarsari. The type of data in this study is divided into primary data and secondary data. Primary data obtained through interviews, questionnaires, and observations, while secondary data used are primary legal materials and secondary legal materials. Data collection instruments used were interview and questionnaire guidelines.

III. RESULT AND DISCUSSION

3.1. Profile of Bantarsari Village as “Jambu Kristal Village”

Bantarsari Village as a research location is a rural area where the majority of the population lives in farming, gardening, animal husbandry, fisheries and home industries in the field of handicrafts and processed foods. The weather in the village of Bantarsari is very cool, because there are still many fields and fields with various plants such as guava Crystal, various vegetables such as root spinach, root kale, mustard greens, and other vegetables.

Bantarsari Village, Rancabungur District, the majority of the community owns the Jambu Kristal garden. This Crystal Herbal Medicine has been made an icon of the village, so the name of the village is linked to being the Jambu Kristal National village. Crystal Guava products have been sold to a wide market both in traditional markets and super markets. Crystal guava planted by most residents has advantages such as very sweet, not easy to rot, high-value, Crystal guava plants with one year old can bear fruit, not easily attacked by disease, resistant to the dry season.

In addition to guava crystal products, there are also people who have businesses with cassava chips and tempe chips which are famous for being very delicious, thin, and crispy. Some producers have participated in training from the Department, and some even have production licenses and food and beverage distribution licenses for Home Industry Food Lisence (PIRT). There are still many who do not have a license, but there is no labeled halal and the trademark has not been registered.

The results of the questionnaire distribution using the survey method that was carried out on February 29, 2020 in Bantarsari Village, Rancabungur District Bogor Regency West Java, Indonesia can be tabulated as follows.

Table 1. Results of data analysis

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Source: 2020 research results

Based on the results of data analysis based on surveys can be explained as follows.
1. Understanding of trademarks and geographical indications as well as types and class of trademarks known that the majority of respondents 42% did not understand, 37% strongly did not understand, and 21% understood.
2. Understanding of how to obtain or register trademarks is known that, the number of respondents who do not understand as much as 33%, do not understand as much as 67%, no one or quite understand, or understand.
3. Understanding of management and marketing strategies for product branding is known that, the number of respondents who did not understand and did not understand each of them as much as 37%, enough to understand 11%, and understand as much as 15%.
4. Understanding of laws and regulations relating to home industri food licence (PIRT), number of distribution permit (NIE), and trade permit (SIUP) is known that, the number of respondents who do not understand as much as 40%, do not understand as much as 60%, while no one answers very understand understand and
5. Understanding the importance of the status of business entities and legal entities, including the status of legal entities of producer associations, it is known that the number of respondents who do not understand as much as 31%, do not understand 42%, quite understand as much as 27 Percent.

Regarding the motivation of MSMEs actors towards trademark registration, it is still low because most of them still think with a mindset of behavior first in the market, but some are already aware of competitiveness and legality awareness, evidently there are MSMEs who want to immediately register a trademark if they get facilitation.

The motivation of the Bantarsari MSMEs producer community in terms of ownership of the Jambu Krista geographical indication is also low because they do not yet have associations, and there is no support either in the form of assistance or material support from village, sub-district and district governments.

3.2. The Results of the interview

Based on the results of the interview it can be seen: First, the types of products produced by Bantarsari MSMEs include: melted brownies, pastries, rengginang, fried bananas, vegetables, sponge, laundry, tailor, guava Crystal, cassava chips, Baso, fried food, banana chips.

Second, the number of employees owned between 1 and 3 people. The average amount of business capital is between IDR 1-5 million, but there are also 4 MSMEs that have invested capital of IDR 6-20 million. Third, based on the data obtained, it is known that none of the processed food products already have a PIRT permit or marketing authorization. Likewise, there are no registered products with the Directorate General of Information, Ministry of Law and Human Rights.

Fourth, the business constraints faced today include: 1) limited capital owned, 2) difficulty obtaining raw materials, 3) high prices of raw materials, 4) limited number and capacity of production machines, 5) limited equipment owned, 6) there is no drying machine, so if the rainy season cannot produce, 7) lack of employees when there are many orders, 8) The number of products produced is very limited.

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Fifth, the motivation to get a registered trademark is to develop a business that is owned. Sixth, hopes in the future related to MSMEs are: 1) want to be an entrepreneur known to many people, 2) become a more advanced entrepreneur, 3) more successful and better known by the public both feel quality and quality, and 4) businesses that are run forward. Based on the results of an interview with Wahyu [23] stated that as a producer of cassava chips, in the production process the cuts are made manually. The Department of Trade and Industry including the Office of Cooperatives and Small and Medium Enterprises in Bogor Regency has provided machine assistance twice, but the knife is not sharp enough so that the results of cassava chips are less thin, and the impact produced by crisps is less crisp. Another case when the knife cut his chips sharp, then the cut will be very thin. Wahyu's home industry already has a PIRT permit and is currently under the assistance of researchers to register its trademark.

Previously Imad [4] “tempe chip” producers, had been facilitated by the kelurahan through the Department of Industry in the smooth production and had received as much as one machine that could help the process of making chips, and had been included in the technical training of the production process. His home industry has also obtained a home industri food licence (PIRT). He hopes to get halal and trademark certification facilitation. Bantarsari Village Head Lukmanul Hakim [24] in his interview was very supportive of the concern of the campus in research programs both internally and externally funded such as the Directorate General of Higher Education, the Ministry of Education and Culture of the Republic of Indonesia, and continued with a community service program, with the final result is expected to be very beneficial for the rural community in general and producers of MSMEs in particular. He was grateful for the researchers, for helping in the process of registering trademarks and the process of making e-commerce for MSMEs Bantarsari.

The village secretary, Rusdi [25] explained that this village was called Jambu crystal village because all residents had guava crystal trees, it was hoped that in the future it could become a national icon, Bantarsari became a national guava crystal village as indicated at the entrance (village gate). As many as 65 percent of villagers have cashew orchards to commercialize, while 35% also have trees but only for family consumption (not for sale). In addition to the producer of guava crystals, in this village many MSMEs are good foods such as cassava chips, “tempe chips”, and various other home industries.

Most of the MSMEs in this village have received training from the Bogor Regency Office of Industry, Trade, Cooperatives and MSMEs on labels and packaging and participated in various exhibitions organized by the agency. They do not yet have e-commerce and associations, so they still work independently. The hope of the village secretary is that this village-owned enterprise (BUMDes) in 2020 can help stimulate MSMEs entrepreneurs to advance, because until now there are no MSMEs entrepreneurs who have registered trademarks. That is why research and community service are expected to continue to assist and assist the MSMEs of Bantarsari.

3.3. Discussion

All MSMEs in Bantarsari do not yet have a legal entity or association, so there is no bargaining power in fighting for the existing MSMEs actors, therefore it is necessary to establish a legal entity MSMEs association that is endorsed by a Notary, so that it has greater bargaining power in proposing facilitation from the Regional and Central Government.

Given the problems faced by partners are very complex, namely: 1) simple products; 2) there is no producer association / association, 3) access to information technology has not been utilized and there is no e-commerce, 4) product trademarks have not been registered so that it is not protected by law, 5) limited marketing reach of products that are not yet online, and 6) management competence marketing is still low which results in the competitiveness of the products produced is still low; then the Community Service Team (Proposer) will make every effort to help overcome the problems of partners in accordance with the competence of the Applicant, while continuing to use active partner participation and cooperation with related links.
Unregistered trademark that have been used for a long time by MSMEs to mark products with the aim of showing the origin of the goods. However, they have not been able to provide legal protection for the trademark they use. But with increasing and advancing trade in trademarks for MSMEs products is needed. Likewise, trademarks increasingly play a role in distinguishing the origin of goods and their quality and avoiding imitation.

The results of this study also reinforce the findings of Rosiah, Hakim & Mukminin [26] who concluded that, trademark registration for MSMEs products would be able to increase MSMEs revenues. The need for assistance in managing MSMEs associations, and collective trademark registration, will be able to improve the competitiveness of these MSMEs products. The advantage of this research compared to the research of Rosiah, Hakim, and Mukminin above is that there is a variable of knowledge and notification of MSMEs in carrying out product protection through trademarks and geographical indications. So, the results of this study are also in line with the opinion of Dornis [5] who states that, “The field of intellectual property is far from homogeneous. Trademark rights are directly connected to and based on marketplace activities. Market goodwill and information capital are critically important for the acquisition and existene of rights. Although the possibilities of rights acquisition by registration have sometimes clouded these characteristics, and the dominance of registration systems in modern trademark regimes around the world has not altered the fundamental conception. Conversely, patent and copyright protection is granted immediately, exclusively, and absolutely, without regard to the owner’s subsequent marketplace or competitive activities. While the unification of intellectual property under a common umbrella of formal rights may not cause many problems in substantive law, this is not the case for choice of law. Here, we must take a close look at the parallel layers of “rights” that exist whenever trademark is both registered and actually used in commerce. The shell and its substance need to be kept separate.”

So the trademark that is expected to be owned by the MSMEs in the research location is basically in accordance with the opinion of Hariyani (2010), the trademark also reflects the level of consumer confidence in an item and / or service. Products with well-known trademarks are more easily marketed so they bring in profits. Legal protection of trademark rights is needed because (1) to guarantee legal certainty for trademark inventors, trademark owners or holders, (2) to prevent violations and crimes of trademark rights and (3) provide benefits to the general public to be more motivated to register trademark.

The results of this study are basically also in line with research conducted by Bethlehn & Samosir [27] who stated that, the majority of MSMEs in Indonesia have not registered their product trademarks, this is due to limited capital and a lack of understanding of the benefits of the trademark. This research is compared to that research, although both discuss the understanding of the benefits of the trademark, but this research does not stop at the trademark, but continues on the aspect of geographical indication.

The results of this study are basically in accordance with research conducted by Syapsan [28] that innovation will greatly affect the ability of competition. Innovations in the field of products that are tastier, tastier, thinner will be able to sustainably grow MSMEs. The form of legal protection for MSMEs products through trademark registration can increase awareness of legal protection and awareness of winning competition in trade.

The results of this study are also in accordance with the findings of Sudarwati & Satya [29] who found that MSMEs awareness of trademarks was very low. As a result, MSMEs products do not have the advantage of competing with other products that already have a registered trademark. The strengths of this research are that it is compared to the Sudarwati and Satya research above, namely the existence of primary data both from the survey results and interviews that are able to describe the motivation of MSMEs to register their Product Trademarks, in order to obtain legal protection, and can strengthen market competition.
The results of this study also strengthened the findings of Kadarudin & Munzir [30] which stated that the origin of Indication products could be legally protected so that no one was harmed. Likewise, this research explains that, guava crystals which historically only existed in the village of Bantarsari, then these guavas must be protected by using Geographical Indications before being registered by another person whose agricultural technology mimics the Crystal guava in Bantarsari. The results of this study also reinforce the opinion of Firas Kittaneh (2018) who stated successful entrepreneurs thrive under competitive pressures. Instead of viewing competition as an obstacle, they see it as an opportunity. There are 10 ways to succeed in competition, i.e. (1) avoiding complacency; (2) building trademark clout; (3) developing self-awareness; (4) encouraging differentiation; (5) exploiting industry trends; (6) forming unexpected partnerships; (7) mutual learning; (8) narrowing down a niche; (9) planning long-term; and (10) prioritizing customer needs.

As a closer look at trademark protection and unfair competition prevention in the international arena reveals, such a civilizing doctrine must be understood to have at least two different sides. First, it is conceived of in the traditional sense as a rule of co-sovereign respect. In this regard, it particularly demands self-restraint in international regulatory matters. By this means, the illegitimate invasion of foreign sovereigns’ spheres of statal power is avoided in the interest of international harmony and concord. This aspect has always been acknowledged when the territoriality of rights was explained as a consequence of the international segmentation of regulatory state capacities. In addition however—and this is still widely overlooked—the doctrine can also be understood as a rule of genuinely self-interested abstention. In this sense, it is intended to prevent a regulator’s extraterritorial overreach, resulting in a discriminatory application of the domestic (presumably stricter) regime of rights protection and economic regulation to its own constituencies [5].

Given the competitiveness awareness and strategies that need to be prepared carefully, it is certainly very far from the shadow of MSMEs. An important thing in trademark law is the protection of famous trademarks. Registered trademarks registered in many countries, used continuously, promoted intensively, will give birth to trademark reputation. The trademark became famous. Reputable trademarks certainly bring high selling points to the product (trademark) and the manufacturer. Business competition can certainly be breached by the fame of the trademark and its branding strategy, in order to dominate the market. Economic interest in well-known trademarks is recognized in the international treaty WIPO treaty, which is also regulated later by the countries of America, Australia, Britain and Indonesia. The specific characteristics of well-known trademarks are that the reputation of the trademark name is not limited to certain products or certain types, for example Marlboro which is not only used as a cigarette product but also used on clothing; Panther is not only for vehicle types but also beverage products. So protection is given in the general usage relationship and not only in relation to the type of goods in which the trademark is registered [31]. The offense in Indonesian trademark law is a complaint offense, which is also used by other countries in general. Aside from litigation, non-litigation can also be taken, namely the Alternative Dispute Resolution. Provisional judgments can also be made to prevent the entry of goods related to violations of trademark rights and storage of evidence relating to the violation of the mark.

So the novelty of this research lies in the knowledge of MSME seafarers about the role of trademarks in protecting and promoting MSMEs products, as well as the motivation of MSMEs entrepreneurs in their efforts to register their trademarks. This study also has its own originality in the field of trademarks and geographical indications of the opportunity to register a geographical indication of the Bantarsari Crystal Guava because it has its own uniqueness compared to guavas from other regions. Meanwhile, the majority of research on trademarks and GI was conducted at MSMEs that were already independent and already had associations, meanwhile, this research was conducted by MSMEs that were still scattered and had no associations. Likewise, the geographical indication product to be sought is guava fruit which had not previously been provided by the geographical indication (GI) to protect the Crystal jamu.
Regarding the low level of knowledge of MSMEs actors in trademark ownership, a helping hand is needed for both relevant agencies and researchers, community service, local government and academics. Need to work together to foster this modest MSMEs, built in such a manner that the prospect will increasingly stand out, be able to compete and penetrate the market not only super markets, but also exports. Need to be equipped with business legality both business licenses of business entities, as well as the legality of its products such as home industri food licence (PIRT) and branding provisions namely registered trademarks, and strengthening the market through Information and Technology (IT) media.

Regarding motivation, there is still a low level of erect, certainly due to lack of knowledge, limited access and cost constraints. For this reason, a program that is more focused on increasing the legality of business in MSMEs is needed, not only to stimulate the ability to compete economically, but must be synergized with legal protection, as well as sustained vigorous promotion through the use of Information and Technology (IT) media so as to be able to reach markets that are virtually unreachable in the minds of MSMEs. This, come true.

Finally, it needs an active role of village officials, village-owned enterprise (BUMDes), MSMEs actors themselves who must improve themselves, build associations to be able to raise the local interests of Bantarsari towards global interests.

IV. CONCLUSION

The level of knowledge of the Bantarsari MSMEs producer community regarding trademark registration and geographical indications is still low so that it is necessary to be given enlightenment and enrichment of the material as well as training and mentoring, not only when making trademarks, but also facilitating their acquisition and comparison efforts in the market.

The motivation of the Bantarsari MSMEs producer community in terms of trademark ownership and geographical indications is still low because it is still struggling with market desires first, but a small number are aware of wanting to register the trademark, introducing products to a wider market, and wanting to reach national and global markets.

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