

## CHAPTER I

### INTRODUCTION

#### 1.1 Reason for Choosing the Title

Trademark law is generally focused on the need for consumer protection. Consequently, trademark law traditionally concerned itself with situations where an unauthorized party sold goods that are directly competitive with or at least related to those sold by the trademark owner. However, in many jurisdictions the concept of dilution has developed recently to protect trademarks as a property right, securing the investment the trademark owner has made in establishing and promoting a strong mark.

A trademark is diluted when the use of similar or identical trademarks in other non competing markets means that the trademark in and of itself will lose its capacity to signify a single source. In other words unlike ordinary trademark law, dilution protection extends to trademark uses that do not confuse consumers regarding who has made a product. Instead, dilution protection law aims to protect sufficiently strong trademarks from losing their singular association in the public mind with a particular product perhaps imagined if the trademark were to be encountered independently of any product. (<http://www.wikipedia.com>)

In simple terms, Trademark is the body law that confers ownership of certain expressions of ideas and protects certain exclusive rights of the owner of such expression including the right to reproduce the copyrighted work, the

right to prepare derivative works, the right to distribute copies to the public and the right to publicly display the work.

The ownership and associated rights are said to pertain not to an idea itself, which must remain circulating in the market place, but to the trademark holder's particular expression of idea in a copyrighted work, which he/ she protects.

A common defense to claims of copyright infringement is that of "fair use". Under this regulation, if a defendant can show that its use of protected work was for non commercial purposes, that the work was unpublished, that is primarily informative rather than creative in nature, that a relatively small portion of the work was used, and/or that the used did not diminish the potential market for, or value of, the protect work, the defendant may be able to avoid liability.

Trademark is the narrower body of law that confers ownership of a distinctive name or other symbol associated with a particular product or business, and the trademark used to identify and distinguish the product or business in the market place. Use of another's trademark may subject a defendant a liability if the use is likely to cause confusion or mistake among, or outright deception of, the public as to the origin of the goods or services at issue.

The small-sized, medium-sized, smaller, and bigger businessman is obliged to conduct a proposal of trademark registration at the Industrial Office of Central Java Province by filling in the provided forms in Indonesian.

Therefore, the applicant should enclose a statement written upon sealed paper and signed by the applicant, stating that the proposed trademark belongs to him/her. Then the official copy of lawful body establishment certificate or its copy that has been legalized by a notary, if the applicant is a lawful body is submitted. Next the statement composed by the applicant or related institution, stating that the trademark proposed for extension is still used is also attached. Therefore in order to secure the registered trademark and the trademark that it has had patent in laws, once in every 10 years after the request of trademark registration, the applicant have to renew of trademark and The applicant is obliged to conduct the extension of trademark at the Industrial Office of Central Java Province.

In this globalization era, economy accompanied by the rapid development of technology has caused impacts on the tight competition and also the rapid changes occurring in business environment. This also happens to the increase of Industrial business competition in Central Java. Today Industrial products of Central Java compete with the products from foreign countries. And the businessmen should take the reality that the rapid technological development has caused the production facilities become quickly obsolete, circulation period of products becomes shorter and profit margin becomes lower in executing developmental processes of Industries and Trade.

Those situations are the reality that should be faced and also they should be the consideration determining in every policy of Industries and

Trading Development. Together with the rapid development of information and technology, therefore the Industrial Office of the Central Java Province has a major role in the process of trading globalization; therefore, the Industrial Office is the maximum safety agent of trademarks from the possibility of irregular competition of the products that do not have patent.

The Industrial Office of the Central Java Province is institution protecting the products that will be marketed. If then the products are marketed using particular trademarks that have been patented/registered, therefore there is a necessity to protect the marketed products to avoid various actions that against the law (such as, forgery/imitation).

The above description shows that the role of the Industrial Office of the Central Java Province is very important for the continuation of production activities because the Industrial Office of Central Java Province is protected by a lawful body.

Based on the statement above the writer decides to choose "The Procedure of Issuing Trademark at Industrial office of Central Java Province" as the topic of her final assignment.

## 1.2 Statement of the Problem

The problem of this paper is:

What is the procedure of issuing trademark at Industrial Office of Central Java Province?



### 1.3 Objective of the Study

The objective of this study paper is to describe the procedure of issuing trademark at Industrial Office of Central Java Province.

### 1.4 Significance of the Study

The significance of this study is:

1. for the writer

To improve the knowledge of the writer about the real issuing of trademark in the institution

2. for the Institution

To get some input that is useful for the procedure of issuing trademark at Industrial Office of Central Java Province.

3. for the university

This paper can be used as a reference especially for the student who wants to study the procedure of issuing trademark at Industrial Office of Central Java Province.

### 1.5 Implementation of the Study

The study was conducted for a month (from 1 – 28 February 2008). The activities that writer did during the study are:

NO	DATE	ACTIVITIES
1	1 February 2008	Writing the Recapitulation directory at Industrial Office.

2	5 February 2008	Writing the Recapitulation directory at Industrial Office and inputting data of Incoming and Outgoing Letters at the Industrial Office.
3	8 February 2008	Writing the data of Recapitulation, inputting data of Incoming and Outgoing Letters at the Industrial Office.
4	9 – 10 February 2008	Inputting data of Infestation and kinds of the Industries.
5	13 February 2008	Making data of Invitation letters for HKI Intellectual Patent Right ( <i>Ilak Kekayaan Intelektual</i> ) Seminar.
6	14 - 15 February 2008	Typing the Contribution of Batik Industries.
7	16 - 17 February 2008	Typing the IKM ( <i>Industri kecil menengah</i> ) Recapitulation at Industrial Office.
8	18 - 20 February 2008	Counting of the Batik Industries cost.
9	21 - 22 February 2008	Writing the System of documentation letters at Industrial Office.
10	25 February 2008	Inputting data of Incoming and Outgoing Letters and Making a photocopy of Incoming and Outgoing Letters
11	26 February 2008	Counting the Cost of Listed Brand at Industrial Office.

12	26 - 27 February 2008	Searching Material for daily clipping about Industries.
13	28 February 2008	Taking a leave and saying thank you to all of employees and also the Department head at Industrial Office.

### 1.6 Method of Data Collection

In this paper, the methods which were employed in this research are as follows:

#### 1. Observation

According to Marzuki (1989:53) observation is: "*Pengumpulan data yang dilaksanakan dengan pengamatan secara langsung dan pencatatan secara sistematis terhadap gejala fenomena yang diselediki.*" (The data collection which is done by observing directly and recording systematically the place that will be observed), By using this method I observed directly the procedure of issuing trademark at Industrial Office of Central Java Province.

#### 2. Interview

According to Marzuki (1977:26) interview is: "*Pengumpulan data yang dilaksanakan dengan mewawancarai langsung orang yang bersangkutan.*" (The data collection which is done by interviewing directly the relevant person), By using this method I interviewed the

Public Relation Department Staff about the procedure of issuing trademark at Industrial Office of Central Java Province.

### 3. Library Research

According to Marzuki (1977:28) Library research is: "*Suatu Metode Pengumpulan data yang diperoleh dari literature-literatur / Buku-buku yang berhubungan dengan obyek yang diteliti.*" (The Method of Collecting data which is obtained from literatures and books related to the object observed), By using this method I read and studied literature material related to the study.

## 1.7 Paper Organization

This paper is organized as follows:

Chapter I: Introduction. This chapter consists of reason for choosing the title, statement of the problem, objective of the study, significance of the study, implementation of the study, method of data collection and paper organization.

Chapter II: Literature Review. This chapter consists of the definition of procedure, the definition of trademark, the definition of registration trademark, kinds of trademarks, object of protection and violations and sanctions.

Chapter III: The Procedure of Issuing Trademark at Industrial Office of Central Java Province.



This chapter consists of history of industrial office of central java province, organizational structure, job description, the procedure of issuing trademark at Industrial Office of Central Java Province

Chapter IV: Conclusion and Suggestion. This chapter consists of conclusion and suggestions.

