

## Generic Brand Law on Bakmie Bangka Brands that Use Public Domain

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### Abstract

Commercial activities involving goods and services in Indonesia have experienced significant growth, driven by advancements in information technology and transportation. This has led to a rapid expansion in the trade sector related to the production of goods and services. One method to protect these creations is through the use of trademarks. "Mie Bangka," also known as "Bakmi Bangka," is a distinctive cuisine originating from Bangka Island. This study examines whether the "Bakmie Bangka" brand can be categorized as a generic brand, the legal protections for generic brands within the framework of trademark rights, and whether the registration of the "Bakmie Bangka" brand infringes upon the public domain within trademark rights. This research utilizes a normative juridical approach, which includes the examination of published literature and conducting direct qualitative research with business operators. The findings of this study indicate that the name "Bakmie Bangka" can be classified as a generic brand.

## 1. Introduction

In this era of globalization, business practices are becoming increasingly conservative, especially when it comes to pricing products or services. The single most important factor in branding a product is using a name that will catch the attention of consumers. However, in practice, there are often disputes between trade owners and other organizations that use trade names without permission or make secret use. Using a trademarked name covertly can prevent significant harm to the trademark owner. It can undermine customer confidence, damage the seller's reputation, reduce the value of the seller's currency, and can even jeopardize the company's business operations and finances. Therefore, it is imperative to adhere to the law when using a 'trademark' name, which is done in secret. In practice, however, there are challenges in providing effective legal advice on the private use of "trademark" names. Some of the above points include the lack of clarity of laws and regulations, the existence of sanction provisions, and the different standards of legal agreements between different countries.

In various laws and regulations throughout Indonesia, articles can be found that contain descriptions of brand rights. In the following, I will mention and explain some of the key sections in the context of judicial scrutiny of the legal system's right to keep and bear arms: Law Number 20 of 2016 concerning the Trademarks and Geographical Indications (hereinafter referred as to Law No.20/2016). The above-mentioned clauses are some examples related to the establishment of brand rights in Indonesia. However, there are also legal regulations that can provide a more precise legal interpretation under trademark rights, such as laws dealing with geospatial data, prohibition of registration of certain marks, and protection of marks within the scope of international trade.

There are several studies that are in line with the author's research by discussing the same issues, including research conducted by Ellohim Theo Sentana, Dr. Simona Bustani, S.H., M.H. "*Perlindungan Hukum Terhadap Pendaftar Merek Pertama Acc Memberi Kemudahan Menurut UU 20 Tahun 2016 ( Contoh Kasus Sengketa Antara PT Astra Sedaya Finance Dengan PT Aman Cermat Cepat Terkait Persamaan Merek Tahun 2019)*", where this research discusses the existence of law in overcoming the problems of first-time trademark registrants which provides convenience.<sup>1</sup> The author's similarity with this research lies in the discussion, which both discuss the existence of the role of applicable law in dealing with brands in a product. However, there is a difference in that the author's research discusses the legal regulations regarding the use of generic marks as public domain, whereas the research written by the author above is about the problems of first-time brand registrants which provide convenience. Furthermore, research conducted by Muhammad Ali Masnun. "*Disparitas Putusan Mengenai Persamaan Pada Pokoknya Pada Merek Predator (Studi Putusan Nomor 1146 K/Pdt.Sus-Hki/2020)*". This research analyzes the basis of the judge's considerations in decision Number 1146 K/Pdt.Sus-HKI/2020, based on the disparity in Decision Number 69/Pdt.Sus/Merek/2019/PN and Decision Number 1146 K/Pdt.Sus HKI/2020.<sup>2</sup> What this research has in common with the author's research is that they both discuss the use of generic brands, and analyze whether the product under study violates the law or not. The difference in this research lies in the research results. The results of the author's research state that the object under study is considered a generic brand, requiring further review. Meanwhile, the results of the research written by the author above have been decided by the judge for the object studied, and the decision regarding the generic problem that the judge decided was correct and did not violate the law. Research conducted by Muhammad Toaha. "*Studi Keunggulan Bersaing Berkelanjutan UKM Makanan dan Minuman di Sulawesi Selatan*".<sup>3</sup> This research analyzes and describes the influence of specific product conditions on the sustainable competitive advantage of food and beverage SMEs. The similarities between this research and the author's research are that they both discuss product conditions in effective competition. The difference can be seen from the author in the research above discussing more fully specific products starting from the factors that influence the formation of specific product conditions, such as product superiority, taste, product appearance, price and others. Meanwhile, the research conducted by the author is limited to only explaining the public's views regarding the use of generic brands in creating effective competition.

## 2. Methods

In this research, the empirical juridical research method, also known as literature-based legal research, was used to conduct the legal study. This method involves reviewing published sources that can be found in libraries. The number of respondents interviewed was 3

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<sup>1</sup> Sentana, Ellohim Theo, and Simona Bustani. 2019. "*Perlindungan Hukum Terhadap Pendaftar Merek Pertama Acc Memberi Kemudahan Menurut UU 20 Tahun 2016 ( Contoh Kasus Sengketa Antara PT Astra Sedaya Finance Dengan PT Aman Cermat Cepat Terkait Persamaan Merek Tahun 2019 )*"

<sup>2</sup> Masnun, Muhammad Ali. 2021. "*Disparitas Putusan Mengenai Persamaan Pada Pokoknya Pada Merek Predator (Studi Putusan Nomor 1146 K/Pdt.Sus-Hki/2020)*" 27 (28): 463-74.

<sup>3</sup> TOAHA, MUHAMMAD. 2020. "*Studi Keunggulan Bersaing Berkelanjutan UKM Makanan dan Minuman Di Sulawesi Selatan A Study Of Sustainable Competitive Advantage Of SMEs Food and Beverage In South Sulawesi.*"

respondents. The author chose these 3 respondents because the sources that really fit the research title were found in these 3 sources, for the reason that the author limited the research area so that these 3 sources were found in the area determined by the author, and these traders were included in the use of generic brands. The respondents were interviewed more specifically (in-depth interview).

### 3. Results and Discussion

#### 3.1. Generic Mark Protection

This term refers to the use of a brand in a context that describes the product being displayed. For example, the word "Table" is used to describe a table-shaped product. If analyzed further, generic terms can be interpreted as meanings that refer to product groups or terms that are common among consumers or the public. Brands that use generic terms describe the genus or origin of their products.<sup>4</sup> Generic marks are regulated in Article 22 of Law No.20/2016, but the Article and its explanation do not provide a definition of generic marks, so there is no standard to determine the limit or criteria for when a mark can be said to be generic. Marks that use generic terms or that fall within the public domain should ideally not escape in-depth examination during the trademark verification process. However, there are special situations where a mark that has become generic can still get legal protection and remain registered provided that the mark manages to create a secondary meaning that is recognized by the public. Preventive protection for this is provided for in Articles 4, 5, and 6 of Law Number 15 of 2001 Concerning the Trademarks (hereinafter referred as to Law No. 15/2001) while repressive protection is provided for in the penal provisions of Article 90 to Article 95. The definition of brand or brand according to Article 1 number 1 of Law No.20/2016.

Brands not only serve as a tool to 1. The Law of Intellectual Property Rights: differentiate, but also as a guarantee of quality in product and service transactions. Fundamentally, a brand is a symbol, but to be recognized as a brand, the symbol must have the capacity to distinguish. This capacity means that the symbol must be able to separate products or services from one company from another. From the perspective of the object protected by the mark, the purpose of a mark is to distinguish the products manufactured or services provided by a company. Therefore, a mark is a symbol of identification used by companies in trading activities and also as a guarantor of the quality of the products and/or services offered compared to similar products and/or services from other companies.<sup>5</sup>

As regulated in law, we recognize two types of mark registration systems: the constitutive system and the declaratory system. In the constitutive system, rights to a mark are obtained through the registration process, which grants exclusive rights to the mark. Without registration, entrepreneurs have no rights or legal protection over their marks. In this system, rights to a mark are deemed to be created by registration, rather than by first use.

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<sup>4</sup> Zahida, Ibnu Maulana, Sri Reski Putri, and Aditya Satrio Wicaksono. 2021. "Perlindungan Hukum Potensi Indikasi Geografis Guna Meningkatkan Ekonomi Masyarakat ( Studi Pada Kabupaten Trenggalek )," 309-26. <https://doi.org/10.24843/JMHU.2021.v10.i02.p09>

<sup>5</sup> Anggraeni, Happy Yulia, and Erna Listiawati. 2023. "Enigma Perlindungan Hak Kekayaan Intelektual Terhadap Tindakan Misappropriation Oleh Pihak Asing Dalam Regulasi Internasional Memperoleh Persetujuan Untuk Pendirian World Trade Organization ( WTO ) Dan" 6 (1): 174-90.

On the other hand, in a declarative system, registration of the mark is not a necessity. Rights to the mark are granted to those who use the mark actively and in the right manner. In this system, registration serves more as evidence that the party registering the mark is the rightful owner and first user of the mark. To determine whether the registration of the mark "Bakmie Bangka" has violated the provisions of public domain protection in trademark rights, we need to consider several factors:

- Generic Brand: If "Bakmie Bangka" is interpreted as a general term that refers to a group of products or a term that is commonly used by consumers or the public, then the mark can be considered a generic mark. Usually, generic marks cannot be registered as they lack the ability to distinguish.
- Trademark Registration: The trademark registration process in Indonesia involves several stages, including substantive examination. If "Bakmie Bangka" has successfully passed this stage and received approval, then the mark is legally protected.
- Public Domain: If "Bakmie Bangka" is considered part of the public domain, ideally, the mark should not be registrable. However, in some situations, marks that make use of common terms or that fall within the public domain can be registered if they have successfully created a "second meaning" or additional meaning that is recognized by society.

If the Bakmie Bangka brand is changed to a generic brand, this could have an impact on several aspects, especially in the legal and business fields:

1. Reduced Brand Protection:

The legal protection for the owner of the Bakmie Bangka mark may be reduced if the mark becomes generic. This is because generic marks are often used to refer to similar products from different brands.

2. Brand Erosion:

Brands that become generic can experience erosion, a condition where the brand is no longer associated with a specific product or service. This can negatively impact the value and reputation of the brand. Use by Competitors: If Bakmie Bangka's brand becomes generic, competitors may be able to use the brand without the risk of infringing the brand rights. This could affect the market share and sales of Bakmie Bangka products. Impact on Consumers: Consumers may begin to associate the Bakmie Bangka brand with noodles in general, rather than with the specific products of the company. This could affect consumers' perception of product quality and value.<sup>6</sup>

However, keep in mind that this is a general impact of using generic brands and may not fully apply to the Bakmie Bangka brand. Brands can become generic through a process known as genericization or trademark erosion. This happens when a brand name or trademark turns into a common noun through popular usage. Here are some ways how the Bakmie Bangka brand can become generic:

- Market Domination:

If Bakmie Bangka dominates the market, then the brand can be identified as the same as the products it sells. For example, if Bakmie Bangka becomes so popular that people

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<sup>6</sup> Ferdian, Muhammad. 2019. "KEDUDUKAN HUKUM TENTANG MEREK DAN INDIKASI GEOGRAFIS" 9 (2): 74-96

start using the term "Bakmie Bangka" to refer to all types of noodles, then the brand could become generic.

- Marketing:

If in the process of promoting or marketing its products, Bakmie Bangka uses its brand too often to name the type of products it sells, then the brand has the potential to become generic. For example, Legal Analysis of the Importance of Trademark Rights Registration for Micro Small Medium Enterprise (MSMEs) in Order to Improve the People's Economy if Bakmie Bangka's advertisements always refer to their products as "Bakmie Bangka", then consumers may start to think that all noodles are "Bakmie Bangka".

- Fail to Prevent Widespread Use:

If the trademark owner fails to prevent his/her trademark from being widely used, then it cannot be re-registered. For example, if many other restaurants start using the term "Bakmie Bangka" for their products and the mark owner does not take legal action to prevent it, then the mark may become generic. However, keep in mind that becoming a generic brand is not a desirable outcome for most brand owners, as this can reduce the legal protection and value of the brand. Many companies therefore seek to prevent this, for example by educating consumers, introducing new names, and trying to prevent infringement of brand rights. There are several methods that can be applied to avoid widespread use of brands.

- Trademark Registration:

Registering your trademark is the initial and crucial stage in protecting your (Based on Law No. 20/2016) brand. Registration gives the brand owner exclusive rights to utilize the mark and prevent others from using identical or similar marks.<sup>7</sup>

- Active Monitoring:

Brand owners should proactively keep an eye on the market to find unauthorized use of their marks by other parties. If there is any infringement, the brand owner should take immediate legal action.

- Law Enforcement

If there is an infringement of the mark, the owner of the mark can take legal action against the infringing party. This action could be in the form of a compensation claim or a request to stop all actions related to the use of the mark.

- Customer Education:

Brand owners can educate consumers about their brand and the importance of buying products or services from the original brand.<sup>8</sup>

There are some important requirements that must be met by an individual or legal entity seeking to use a mark, in order for the mark to be accepted and used as a brand or trade mark. The primary requirement is that the mark must have sufficient distinguishability. In

<sup>7</sup> Indications, Geographical. 2023. "Perlindungan Hukum Terhadap Merek Barang Impor Ditinjau Menurut Undang-Undang Nomor 17 Tahun 2006 Tentang Kepabeanan Dan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis" 6 (4): 279-86.

<sup>8</sup> Kusmanto, Heri, and Evi Yunita Kurniaty. 2022. "Evaluation of E-Commerce Strategy as an Effort To" 11 (2): 443-50. <https://doi.org/10.31289/perspektif.v11i2.5812>.



other words, the words or marks used must have sufficient power to distinguish the products or services of one company or the merchandise or services of another's production from the goods or services produced by others. Due to the existence of a mark, the goods or services produced become distinguishable. According to the Black Law Dictionary, a trademark is a word, phrase, logo, or other graphic symbol used by a manufacturer or seller to distinguish its products from other products. A trademark is defined as a mark used on products traded by an individual or several persons jointly or a legal entity to distinguish with other similar products. From this definition, we can identify several functions of a mark:

- a. As a means of identification to distinguish the production of individuals or several people together or legal entities with the production of other individuals or other legal entities;
- b. As an instrument of promotion, so that it is enough to mention the brand to promote its production;
- c. As a guarantor of the quality of its products; and
- d. Indicates the origin of the goods/services produced. As explained earlier, a mark can be registered if it has the ability to distinguish. If the mark is a descriptive or generic word, then the mark cannot be registered. However, in practice, many descriptive or generic marks can eventually be registered.

However, in practice, many descriptive or generic marks eventually become marks and their registration is accepted. Coffee marks or coffee images are used for coffee products, but it does not clarify whether "description of or relating to goods or services" includes marks that are descriptive or generic.<sup>9</sup> This article enumerates the absolute grounds that prevent registration of a mark based on the mark's ability to distinguish as a mark. However, the rule is vague as it does not distinguish between descriptive marks that can be registered by creating a secondary meaning and generic marks that cannot be registered. Descriptive brands do not have strong differentiating capabilities, but can still be recognized as brands if they have created additional meaning. Based on the decision, a mark consisting of only a few letters can be accepted as a brand if it is already very popular with the public and is considered to have the capacity to distinguish.<sup>10</sup>

A 'secondary meaning' is given to a mark that is descriptive after it has been proven through its use in the market or is able to shape consumers' views on its ability to distinguish. In Indonesia, the trademark registration process is conducted based on the principle of goodwill. A mark cannot be registered if the applicant is proven not to have goodwill. Applicants who are deemed to have goodwill are those who register a mark in a true and honest manner, without the intention to profit from the popularity of another's mark, which may harm the owner of that mark or create unfair competition and mislead consumers. Examination of trademark registration under the principle of goodwill usually leans more towards trademark protection based on the declarative principle (first to use). This principle

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<sup>9</sup> Kusuma, Purnama Hadi, and Kholis Roisah. 2022. "Perlindungan Ekspresi Budaya Tradisional Dan Indikasi Geografis : Suatu Kekayaan Intelektual Dengan Kepemilikan Komunal" 4 (20): 107-20

<sup>10</sup> Masnun, Muhammad Ali. 2021. "Disparitas Putusan Mengenai Persamaan Pada Pokoknya Pada Merek Predator (Studi Putusan Nomor 1146 K/Pdt.Sus-Hki/2020)" 27 (28): 463-74

gives priority to the first user. This shows that the Trademark Law applied in Indonesia combines trademark.<sup>11</sup>

### 3.2. Research and Interview Findings

From the results of this study from 3 Bangka bakmie stalls that have been interviewed by researchers:

#### 1. Bakmie Bangka Siskajaya

Budi (not his real name) as the owner of a bakmie shop explained that: "As a trader, I believe that the brand is the identity of my shop. Even though I don't know about generic brands and my shop is not big enough to register, I feel it is important to have my own brand. The reason is simple, I don't want my shop brand to be taken by someone else."<sup>12</sup> "My bakmie restaurant, Siska Jaya, actually used to belong to my brother. However, due to several factors, the shop was transferred to me. More precisely, I bought the shop. Even so, people know my shop more from person to person, especially because I sell in the Benhill area. In the past, my shop was known by the old name. However, as time went by and I updated my recipes and other things, people started to recognize my shop under the new name.. I think it's important, especially for micro merchants like me, to know about generic brands. I just heard about generic brands and I think this knowledge is very educational for micro merchants."<sup>13</sup>

From the interview data that researchers have collected, the following are important points that researchers can analyze :

- a. Understanding of the Brand: Respondents consider the brand as the identity of their store. This shows that they understand the importance of the brand in differentiating their business from others.
- b. Ignorance about Generic Brands: Respondents were not aware of generic brands. This shows that there is still room for further education on different types of brands.
- c. Brand Registration: Respondents have not registered their brands because their stores are not yet large. This suggests that they may need more information on the importance of brand registration, regardless of business size.
- d. Brand Name Change: Respondents have changed their brand names due to personal and business reasons. This shows that they are flexible and willing to make changes when needed.
- e. Brand Name Impact on Society: Respondents feel that their brand name is recognized in their local community. This indicates that they have successfully built brand awareness at the local level.
- f. Brand Confusion: Respondents acknowledged that there was confusion in the past due to the change in brand name, but they felt that this has been overcome over time.
- g. Research Benefits: Respondents saw value in your research and felt that it could help other Bangka bakmie vendors, especially in terms of education about generic brands.<sup>14</sup>

<sup>11</sup> Sentana, Ellohim Theo, And Simona Bustani. 2019. "Perlindungan Hukum Terhadap Pendaftar Merek Pertama Acc Memberi Kemudahan Menurut Uu 20 Tahun 2016 ( Contoh Kasus Sengketa Antara Pt Astra Sedaya Finance Dengan Pt Aman Cermat Cepat Terkait Persamaan Merek Tahun 2019 ) A . Latar Belakang Pada Era Globalis" 2016: 1-23.

<sup>12</sup> Budi, Wawancara, Jakarta 29 April 2024

<sup>13</sup> Budi, Wawancara, Jakarta 29 April 2024

<sup>14</sup> Sofwan Sanib, Safril. 2019. "Ketentuan-Ketentuan TRIPS-Plus Dalam Kerangka Perjanjian

Overall, these interviews provided valuable insights into Bangka bakmie traders' understanding and attitudes towards brands and brand registration. It also shows the importance of continued education in this topic

## 2. Bakmie Bangka Bestie (Fatmawati)

Wawan (not his real name) as the owner of a bakmie shop explained that: "In my opinion, the brand is not just a sign, but also a marker of the identity of the product or service that we offer, so that consumers do not make the wrong choice. I myself just found out about the existence of generic brands, a concept that is quite new to me.<sup>15</sup> Currently, my business is still relatively small and the majority of buyers come from online motorcycle taxis, so I have not thought about registering my brand. Even so, I realize the importance of registering a brand, especially to protect my business identity from being stolen by others. The name "Bestie" that I use for my business was actually chosen because it is trending. Although my business is still new and does not have many product variations, I believe that the name "Bestie" is quite unique and does not confuse consumers. Most importantly, I feel helped by this new knowledge of generic brands. I initially thought that the brand was simple and did not have many variations. However, after being interviewed and gaining new knowledge, I learned that there are many types of brands, including generic brands. This is very educational for me as a trader.<sup>16</sup>

From the interview data that researchers have collected, the following are important points that researchers can analyze:<sup>17</sup>

- a. Understanding of Brands: Respondents consider a brand as a mark to distinguish their product from other products. This shows that they understand the basic function of a brand.<sup>18</sup>
- b. Ignorance about Generic Brands: Respondents were not aware of generic brands. This suggests that there is still room for further education on different types of brands.
- c. Brand Registration: Respondents have not registered their brands because they still have small businesses and most of their buyers come from online ojek. This suggests that they may need more information on the importance of brand registration, regardless of business size.<sup>19</sup>
- d. Brand Name Change: Respondents have decided to change their brand name due to the trend of the word "Bestie". This shows that they understand the importance of adapting to market trends.
- e. Impact of Brand Name on Society: Respondents felt that since they are still newly opened, there has been no significant effect of their brand name on society.

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Perdagangan Bebas TRIPS-Plus Provisions Under a Frame of Bilateral Free Trade Agreement" 3 (1): 50-66.

<sup>15</sup> Wawan, wawancara, Jakarta 30 April 2024

<sup>16</sup> Wawan, wawancara, Jakarta 30 April 2024

<sup>17</sup> Sukinta. 2020. "Peran Kepolisian Dalam Melakukan Penyidikan Tindak Pidana Penyebaran Berita Bohong Di Indonesia" 3 (3): 554-68.

<sup>18</sup> Sugandini, Dyah. 2019. *PEMASARAN DIGITAL : ADOPSI MEDIA SOSIAL PADA UKM*.

<sup>19</sup> Tuwaidan, Arthur Novy. 2023. "KRITERIA TANDA PUBLIC DOMAIN YANG DIGUNAKAN SEBAGAI MEREK," no. 16.



- f. Brand Confusion: Respondents felt that their choice of brand name did not create any confusion in the community and felt that they were the only ones using the name "Bestie".
- g. Research Benefits: Respondents saw value in your research and felt that it could be of great help to other Bangka bakmie vendors, especially in terms of education about generic brands.

Overall, these interviews provided valuable insights into Bangka bakmie traders' understanding and attitudes towards brands and brand registration. It also shows the importance of continued education in this topic.

### 3. Bakmie Bangka 7 (Kantin Tempo Grup)

Agus (not his real name) as the owner of the bakmie stall explained that: "In my opinion, the brand is just a marker. I don't know for sure, but I feel that since we are selling in an office canteen, maybe we don't need a brand. As I said before, because we sell in the office canteen, I don't think we need a brand.<sup>20</sup> Before we opened in Tempo Group's canteen, I happened to be in the Bangka 7 area, South Jakarta. That's why I named it Bakmie Bangka 7. Because I was selling in the cafeteria, there was no effect, everything was normal. Because I sell in the cafeteria, there is no problem. However, for those who use online motorcycle taxis, they are usually confused because I sell Bakmie Bangka, which is different from ordinary bakmie. Even though there are only bean sprouts, there are usually people who don't like bean sprouts. Maybe they think this is chicken bakmie sold in Bangka 7.<sup>21</sup> I feel very good, because I came to know that apparently, even though we are small traders, we have to be registered too. This is a valuable lesson for me." From the interview data that researchers have collected, the following are important points that researchers can analyze:<sup>22</sup>

1. Understanding of Brands: Respondents consider a brand as a marker to distinguish their product from other products. This shows that they understand the basic function of a brand.
2. Ignorance about Generic Brands: Respondents were not aware of generic brands. This suggests that there is still room for further education on different types of brands.
3. Brand Registration: Respondents have not registered their brands because they sell in the office canteen and do not feel the need to register their brands. This suggests that they may need more information on the importance of brand registration, regardless of the size of the business and the place of selling.
4. Brand Registration: Respondents have not registered their brands because they sell in the office canteen and do not feel the need to register their brands. This suggests that they may need more information on the importance of brand registration, regardless of the size of the business and the place of selling.
5. Impact of Brand Name on Society: Respondents felt that since they sell in canteens, there has not been a significant effect of their brand name on society.
6. Brand Confusion: Respondents felt that the choice of their brand name did not create confusion in the community, but they acknowledged that there was some confusion for

<sup>20</sup> Agus, wawancara, Jakarta 30 April 2024

<sup>21</sup> Agus, wawancara, Jakarta 30 April 2024

<sup>22</sup> Wijiharjono, Nuryadi. 2021. "Manajemen Strategik : Pemikiran Michael Porter Dan Implikasinya Bagi Pengembangan Ekonomi Kreatif," no. 1: 1-28.

online motorcycle taxi customers due to the difference in bakmie bangka products with regular bakmie.

7. Research Benefits: Respondents saw value in your research and felt that it could be of great help to other Bangka bakmie vendors, especially in terms of education about generic brands.<sup>23</sup>

Overall, these interviews provide valuable insights into Bangka bakmie traders' understanding and attitudes towards brands and brand registration. It also shows the importance of further education in this topic. From the three interviews, it can be said that the traders lack knowledge about the brand itself, which if we go directly to the generic brand they do not know about it. And according to their knowledge, it is only a marker of their trade goods. There are several ways that must be done so that micro traders have the awareness that brand awareness is important, namely, first, building a trader's mindset that having a brand about a product can differentiate a product from other products and make it easier for consumers to get to know our products. Second, create an understanding of general brands for micro traders, how to create general brands and others, and finally explain the positive and negative impacts if you don't have a brand. This method can be done by: And the author hopes that there will be other research that discusses more specifically how to create awareness and understanding among traders about the importance of trademarks.

#### 4. Conclusions

The branding 'bakmie bangka' itself is considered a generic term that refers to a product category or a term commonly used by consumers or the public, so it can be said that the mark is considered a generic mark. 'Generic terms' are terms that refer to product categories or terms commonly used by consumers or the public. Ideally, marks that are registered using generic terms or that fall within the public domain should not be able to pass the in-depth examination stage in the trademark verification process. This is important to avoid because if the trademark application is approved, the trademark owner may obtain monopoly rights or use of the mark which may hinder effective competition.

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<sup>23</sup> Zahida, Ibnu Maulana, Sri Reski Putri, and Aditya Satrio Wicaksono. 2021. "Perlindungan Hukum Potensi Indikasi Geografis Guna Meningkatkan Ekonomi Masyarakat ( Studi Pada Kabupaten Trenggalek )," 309-26. <https://doi.org/10.24843/JMHU.2021.v10.i02.p09>

279-86.

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