

## Collective Trademarks as Legal Protection for Micro, Small, and Medium Enterprises in the Special Region of Yogyakarta

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### HIGHLIGHTS

- Limited Adoption Despite Legal Framework
- Barriers to Registration and Utilization
- Recommendations for Strengthening Trademark Protection

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### ABSTRACT

*This study explores the implementation and legal protection of collective trademarks for Micro, Small, and Medium Enterprises (MSMEs) in the Special Region of Yogyakarta, as outlined in the Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Employing a normative-empirical approach, the research combines a thorough literature review with field interviews to reveal a significant gap between the existing legal framework and its practical application. Despite the presence of legal mechanisms, the uptake of collective trademarks has been disappointingly low, with only around 30 MSMEs registering between 2020 and 2024. The primary obstacles identified include a lack of legal awareness, complicated registration procedures, insufficient institutional support, and limited government outreach. The case of Batik Nitik Trimulyo serves as a compelling example of how collective trademarks can enhance product identity and boost market competitiveness. To address these challenges, the study advocates for targeted legal education, simplification of procedures, enhanced institutional support, and the integration of digital tools to fortify trademark protection for MSMEs.*

## **A. INTRODUCTION**

Intellectual property constitutes a form of wealth or asset, encompassing creations derived from human thought or intellect that hold specific value or utility across various aspects of human life, and are, by nature, commercially exploitable. In Indonesia, the understanding and implementation of intellectual property rights remain relatively recent and continue to evolve progressively.<sup>1</sup>

Law Number 20 of 2016 concerning Trademarks and Geographical Indications (Law No. 20 of 2016) serves as a fundamental legal basis for the protection of intellectual property rights in Indonesia. This legislation not only provides legal assurance for the legitimate use of trademarks but also safeguards products that possess distinctive characteristics based on their geographical origin. According to Article 1 of Law No. 20 of 2016, a trademark is defined as a sign that can be graphically represented, including images, logos, names, words, letters, numbers, color compositions formed in two-dimensional or three-dimensional formats, sounds, holograms, or a combination of two or more of these elements. The primary function of a trademark is to distinguish goods or services produced by individuals or legal entities in the context of trade in goods and/or services.

A geographical indication is a sign that identifies the origin of a good or product from a specific region, which has acquired a certain reputation, quality, and distinctive characteristics due to the influence of geographical environmental factors – whether natural, human, or a combination of both.<sup>2</sup>

A collective mark is a trademark used for goods and/or services that share similarities in terms of characteristics, properties, general features, and quality standards, including their supervision. This type of mark is jointly used by several individuals or legal entities to distinguish their goods and/or

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<sup>1</sup> Disemadi, Hari Sutra. *Mengenal Kekayaan Intelektual Di Indonesia*. Depok: Rajawali Pers, 2023, p. 2

<sup>2</sup> Direktorat Jenderal Kekayaan Intelektual, “Indikasi Geografis” <https://www.dgip.go.id/menu-utama/indikasi-geografis/pengenalan>. Accessed on December 21, 2024.

services from similar ones in the market.<sup>3</sup> The development of Micro, Small, and Medium Enterprises (MSMEs) in Indonesia—including those in the Special Region of Yogyakarta (DIY)—plays a crucial role in the national economy. MSMEs not only contribute significantly to Indonesia's Gross Domestic Product (GDP) but also serve as the primary source of employment. However, in strengthening their role in regional development, job creation, income distribution, economic growth, and poverty alleviation, MSMEs often face substantial challenges in competitiveness, marketing, and product development. One of the major issues faced by MSMEs is the lack of legal protection for their products, which threatens the sustainability of their businesses. They frequently encounter challenges such as low competitiveness, limited marketing capacity, and minimal legal protection for their products. In the context of MSMEs in Yogyakarta, the utilization of collective marks remains relatively low, highlighting the need for increased outreach, education, and registration facilitation by the government.<sup>4</sup> Legal protection through the registration of collective marks is a key factor in safeguarding products from potential infringement. It is, therefore, essential for MSMEs to understand and take advantage of the existing legal framework, including Law No. 20 of 2016, which provides the legal foundation for the registration of collective marks. However, its implementation remains limited, particularly in the Special Region of Yogyakarta.<sup>5</sup> Many MSME actors have yet to fully grasp the importance of collective marks, as well as the procedures and benefits associated with their registration, due to financial constraints, limited understanding of legal mechanisms, and inadequate access to relevant information. Efforts to

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<sup>3</sup> Masnun, Muh Ali, "Reorientasi Pengaturan Pemberdayaan Hukum Usaha Mikro Kecil Menengah Melalui Hak atas Merek Kolektif," *Jurnal Wawasan Yuridika* 3, 2019. p. 3 <https://doi.org/10.25072/jwy.v3i2.248>.

<sup>4</sup> Dhyah Ayu Retno Widyastuti, Alexander Beny Pramudyanto, And R.A. Vita Noor Prima Astuti, "Dinamika dalam Membangun Merek Kolektif Pada Usaha Mikro, Kecil, dan Menengah," *Komunikator* 10, No. 2, 2018, <https://doi.org/10.18196/jkm.101013>.

<sup>5</sup> Yudhitiya Dyah Sukmadewi, "Pendaftaran Merek Asosiasi Sebagai Merek Kolektif (Kajian Terhadap Asosiasi Rajut Indonesia Wilayah Jawa Tengah)," *Jurnal Ius Constituendum* 2, No. 1 (2017), <https://doi.org/10.26623/jic.V2i1.547>.

develop the economic potential of MSMEs must be supported by legal measures that favor MSME actors, accompanied by their compliance with the applicable legal instruments.<sup>6</sup>

The limited utilization of collective marks by MSME actors may result in weak legal protection for their products, making them vulnerable to imitation, counterfeiting, and unauthorized use by third parties. The legal implication of this is that MSMEs face difficulties in asserting their rights over their marks due to the absence of clear legal protection, which ultimately leads to unfair business competition and harms the original producers.<sup>7</sup> Furthermore, without the registration of a collective mark, MSME actors lack a strong legal basis to file lawsuits or seek legal protection in the event of a violation.

For example, the case of Genteng Sokka in Kebumen illustrates that despite the product's good reputation, many producers had not registered a collective mark, making it difficult to take legal action when their products were imitated by others.<sup>8</sup> In contrast, the collective mark case of "Serba Singkong" in the Cireundeu Traditional Village demonstrates how registering a collective mark can provide stronger legal protection for business actors.<sup>9</sup> From both cases, it can be concluded that optimal utilization of collective marks is crucial for MSMEs to obtain strong legal protection, avoid losses due to imitation and counterfeiting, and enhance the competitiveness of their products in the market.

The Indonesian Ministry of Law and Human Rights (Kemenkumham) plays a vital role in ensuring the effective implementation of Law No. 20 of

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<sup>6</sup> Firdausi, Novandina Izzatillah, "Merek Kolektif Sebagai Alternatif Perlindungan Merek Bersama Bagi Pelaku Usaha Mikro, Kecil, dan Menengah Di Indonesia," *Kaos GL Dergisi*, 2020, <https://doi.org/10.1016/J.Jnc.2020>.

<sup>7</sup> Disemadi, Hari Sutra. *Mengenal Kekayaan Intelektual Di Indonesia*. Depok: Rajawali Pers, 2023, p. 45

<sup>8</sup> Laila Setyowati, Irna Nurhayati, "Pelindungan Hukum Terhadap Pemegang Hak Merek Kolektif Terdaftar atas Pelanggaran Terhadap Mereknya (Studi Kasus Pelanggaran Hak Merek Kolektif Genteng Godean) Di Yogyakarta" 2022, p. 2-3.

<sup>9</sup> UNPAR, *Perlindungan Merek Kolektif: Studi Kasus Masyarakat Cireundeu*, Repository UNPAR. <https://repository.unpar.ac.id/handle/123456789/12939>. Accessed on February 19, 2025.

2016. Through the Directorate General of Intellectual Property, Kemenkumham is responsible for facilitating the registration of collective marks and conducting outreach related to intellectual property rights. However, the utilization of collective marks by MSMEs remains relatively low, particularly in the Special Region of Yogyakarta. Therefore, it is necessary to evaluate the challenges faced by MSMEs in utilizing collective marks and to promote greater understanding and awareness. When MSMEs can effectively utilize collective marks, they gain a stronger competitive advantage in both local and international markets, and they are better protected from intellectual property infringements. An optimal use of collective marks not only enhances legal protection but also improves the reputation of local products and strengthens their competitive positioning globally.<sup>10</sup>

One notable business actor in Yogyakarta that utilizes a collective mark is Batik Nitik Trimulyo, which was selected as the research location due to its active use of a collective mark. This site provides a representative case for examining the implementation of collective marks in the batik sector—an iconic regional product with strong potential in terms of geographical indication. Additionally, although the initial focus of this study was on MSMEs located in the City of Yogyakarta, data searches revealed that over the past five years, there have been no registered users of collective marks within the city. Instead, relevant data were found from surrounding regions such as Bantul, Kulon Progo, and Gunungkidul, further justifying the selection of Batik Nitik Trimulyo as a suitable case study.

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<sup>10</sup> Dyah Permata Budi Asri, *Strategi Perlindungan Hukum Merek Umkm Di Melalui Peraturan Gubernur DIY No 21 2017 Tentang Penggunaan Merek Jogjamark, 100% Jogja dan Jogjatradition Sebagai Co Branding Daerah*, No.2, 2023.

## **B. RESEARCH METHODS**

This study employs an empirical legal research method (socio-legal approach) as its primary methodological framework. Data collection techniques include a literature review based on findings from books, national and international journals, and relevant research reports concerning collective trademark protection for MSMEs. The socio-legal approach is utilized to analyze the implementation of legal protection for collective trademarks in the Special Region of Yogyakarta, grounded in Law Number 20 of 2016 on Trademarks and Geographical Indications. The analysis examines primary legal sources, including legislation and related policies, as well as secondary sources such as academic journals, books, and relevant legal documents. Literature reviews and empirical studies are employed to identify challenges faced and mitigation efforts in legal protection of collective trademarks in accordance with applicable legal norms, while providing a theoretical context to support the analysis. The study also involves interviews with MSME actors and stakeholders to explore practical perspectives on obstacles encountered in the registration and use of collective trademarks. This approach aims to assess the effectiveness of legal protection policies for MSMEs and the role of the Ministry of Law and Human Rights in facilitating legal protection access related to collective trademarks for MSMEs in the Special Region of Yogyakarta.

## **C. RESULTS AND DISCUSSION**

### **Legal Protection of Collective Trademarks for Micro, Small, and Medium Enterprises in the Special Region of Yogyakarta Based on Law Number 20 of 2016 on Trademarks and Geographical Indications**

The legal provisions regarding collective trademarks are first regulated in Article 7 of the Paris Convention for the Protection of Industrial Property Rights.<sup>11</sup>

"The countries of the Union undertake to accept for filing and to protect collective marks belonging to associations, provided that the latter have a legal existence, even if such associations do not possess an industrial or commercial establishment." (Negara-negara dalam Union berjanji untuk menerima pendaftaran dan melindungi merek kolektif milik asosiasi, asalkan asosiasi tersebut memiliki keberadaan hukum, meskipun mereka tidak memiliki usaha industri atau komersial)."

The regulation mandates that each member country accept the registration of collective trademarks owned by an association, provided that the association's existence does not conflict with the laws of its home country, even if the association does not conduct commercial activities in the country where the registration takes place. Collective trademarks serve as a form of legal protection for business groups, including micro, small, and medium enterprises (MSMEs), seeking to maintain the identity and quality of their products within a business community. In Indonesia, protection of collective trademarks is governed by Law No. 20 of 2016 concerning trademarks and geographical indications. This regulation aims to safeguard the rights of trademark and geographical indication users, particularly those who hold collective trademarks.

Article 1, paragraph 4 of Law No. 20 of 2016 states:

"A Collective Trademark is a trademark used on goods and/or services that share the same characteristics concerning the nature, general features, and quality of the goods or services, as well as their supervision,

which are jointly traded by several individuals or legal entities to distinguish them from other similar goods and/or services."

Law No. 20 of 2016 also mandates that the registration of collective trademarks must include rules governing their use, such as quality standards and supervision mechanisms. The owner of a collective trademark has the right to take legal action against parties who use the trademark without permission or in violation of these rules. In protecting collective trademarks, the government plays a crucial role, primarily through the Directorate General of Intellectual Property (DJKI), which is responsible for managing registration, supervision, and legal protection of collective trademarks in Indonesia.<sup>12</sup> Examples of collective trademark implementations in Indonesia include Gayo coffee from Aceh, Ikat weaving from East Nusa Tenggara (NTT), and Batik Nitik Trimulyo from Yogyakarta. According to the latest data, the number of collective trademark users in Indonesia has reached 485 from 1999 to 2024, while in the Special Region of Yogyakarta, approximately 30 micro, small, and medium enterprises (MSMEs) have registered collective trademarks between 2020 and 2024.<sup>13</sup> The following graph illustrates the number of registrants in Yogyakarta during this period:<sup>14</sup>

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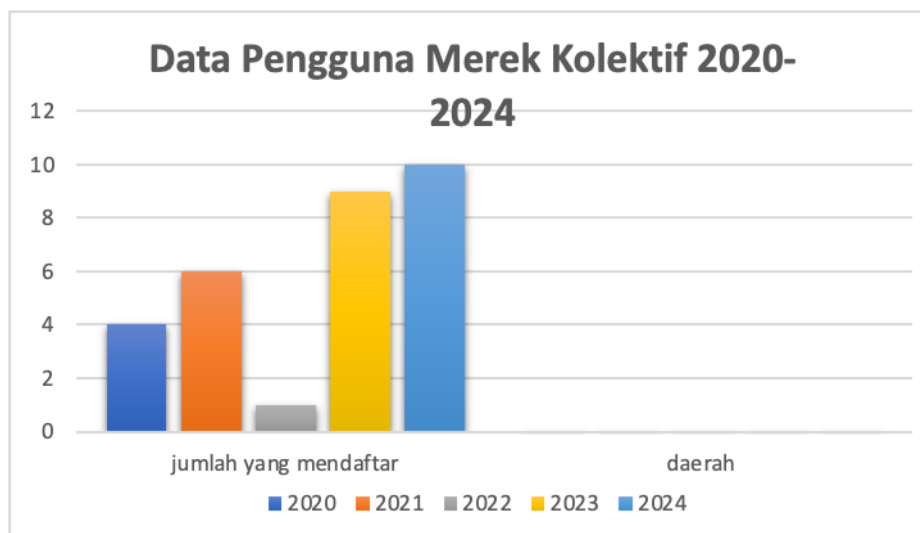
<sup>11</sup> World Intellectual Property Organization (WIPO), Paris Convention for the Protection of Industrial Property, Article 7. <https://www.wipo.int/treaties/en/ip/paris/>. Accessed on February 19, 2025.

<sup>12</sup> *Ibid*

<sup>13</sup> Interview with Syiwi Anggraeni, S.H., Industrial Design Application Analyst at the Regional Office of the Ministry of Law and Human Rights, Special Region of Yogyakarta.

<sup>14</sup> *Ibid*





Gambar 1. Menunjukkan tren pendaftaran merek kolektif di DIY dari tahun 2020 hingga 2024

The registration of collective trademarks in the Special Region of Yogyakarta (DIY) showed an overall increase from 2020 to 2024, despite a decline in 2022. This decrease was attributed to several factors, including the lingering effects of the COVID-19 pandemic that continued to impact economic activities and administrative processes, limited outreach and support from relevant agencies, low organizational readiness among MSMEs to meet administrative requirements, and technical challenges or changes in the registration system, which collectively affected the interest and capacity of business groups to submit collective trademark applications.<sup>15</sup>

A significant surge occurred in 2023 and 2024, indicating a growing awareness among MSMEs of the benefits of collective trademarks. However, the number of registrations remains disproportionate to the total number of existing MSMEs, highlighting the need for increased education and facilitation from the government.

The protection of collective trademarks for MSMEs in the Special Region of Yogyakarta (DIY) is a crucial step in preserving the uniqueness of local products and enhancing their competitiveness in both national and

international markets, while also preventing the misuse of trademarks by unauthorized parties. The implementation of collective trademark protection in DIY is carried out through the active roles of the Directorate General of Intellectual Property (DJKI) and the Regional Office of the Ministry of Law and Human Rights (Kanwil Kemenkumham DIY). The government provides socialization, guidance, and facilitation in the collective trademark registration process to help MSMEs understand its benefits and procedures.<sup>16</sup> Kanwil Kemenkumham DIY collaborates with the Department of Industry and Trade as well as the Department of Cooperatives and MSMEs to deliver outreach and assistance during the registration process. However, challenges persist in the implementation, particularly due to confusion among applicants requiring intermediaries or support, and a lack of understanding among MSMEs regarding the legal protection benefits. Additionally, external challenges arise from the proliferation of counterfeit products and imported printed batik from China sold at lower prices.<sup>17</sup>

However, if a collective trademark is not registered, there are several legal implications that can disadvantage the business group, such as lacking exclusive rights to the trademark, having no legal basis to sue parties that use their trademark without permission, losing business opportunities, and forfeiting market recognition, among others. The benefits of registering a collective trademark for MSMEs include:

1. Providing legal protection and exclusive rights
2. Enhancing consumer trust and economic value
3. Facilitating access to funding and business partnerships

The use of collective trademarks by MSMEs is not without potential legal issues, including violations of trademark rights and internal disputes

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<sup>15</sup> *Ibid*

<sup>16</sup> Interview with Syiwi Anggraeni, S.H., Industrial Design Application Analyst at the Regional Office of the Ministry of Law and Human Rights, Special Region of Yogyakarta

<sup>17</sup> Anggraeni, R. & Yulianti, D. "Penegakan Hak Kekayaan Intelektual pada Merek Kolektif UMKM di Indonesia." *Jurnal Hukum dan Pembangunan*, 50(2). 2020. p. 215–230.

among collective trademark holders. Legal remedies for intellectual property rights (IPR) infringements can be pursued through either litigation or non-litigation channels. Litigation refers to court proceedings, while non-litigation refers to Alternative Dispute Resolution (ADR). Disputes involving collective trademarks can be resolved through litigation in Commercial Courts or through alternative dispute resolution methods such as arbitration and mediation, as regulated by Law No. 20 of 2016 concerning Trademarks and Geographical Indications, as well as Supreme Court Regulation (PERMA) No. 2 of 2003 on Mediation Procedures in Courts.

Based on interviews with business actors and relevant stakeholders, the effectiveness of legal protection for collective trademarks in the Special Region of Yogyakarta (DIY) can be assessed through the benefits gained, challenges encountered, as well as the hopes and suggestions provided by MSME actors. Collective trademarks have proven to strengthen the identity of business groups, such as Batik Nitik Triomulyo, by providing legal certainty over ownership of the name and preventing plagiarism.<sup>18</sup> To enhance the effectiveness of legal protection for collective trademarks for MSMEs in DIY, strategic efforts from various parties are required. The local government can provide registration fee subsidies, increase socialization efforts, and strengthen coordination between MSMEs, business associations, and authorities in enforcing collective trademark rights.<sup>19</sup>

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<sup>18</sup> Interview with Ibu Puji, sebagai Ketua Batik Nitik Trimulyo, yang merupakan pengguna merek kolektif, berlokasi di Kabupaten Bantul, Daerah Istimewa Yogyakarta.

<sup>19</sup> *Ibid*

### **Challenges Faced and Mitigation Efforts by the Ministry of Law and Human Rights in Providing Legal Protection for Micro, Small, and Medium Enterprises in the Special Region of Yogyakarta Based on Law Number 20 of 2016 Concerning Trademarks and Geographical Indications**

There are several challenges faced by the Indonesian Ministry of Law and Human Rights in providing legal protection for Micro, Small, and Medium Enterprises (MSMEs) in the Special Region of Yogyakarta based on Law No. 20 of 2016 concerning Trademarks and Geographical Indications, as follows:

1. Challenges in Implementing Law No. 20 of 2016 on Trademarks and Geographical Indications, including unclear implementing regulations, lack of public awareness and understanding, gaps between regulations and field practices, and obstacles in law enforcement.
2. Internal and External Challenges Faced by the Ministry of Law and Human Rights in Providing Legal Protection for MSMEs. Internal challenges stem from within the Ministry itself, including limitations in human resources, budget constraints, and service infrastructure.<sup>20</sup> External challenges arise from outside the institution, such as low legal awareness among MSME actors and weak coordination among related agencies.<sup>21</sup>
3. Challenges Faced by MSMEs in Utilizing Collective Trademark Protection, including limited understanding of collective trademarks, financial constraints for trademark registration, complicated administrative procedures and lack of guidance, low collective awareness, and insufficient government outreach and socialization efforts.

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<sup>20</sup> Sri Wahyuni. "Kendala UMKM dalam Memanfaatkan Perlindungan Merek Kolektif di Indonesia". *Jurnal Ekonomi dan Bisnis*. (2021). <https://ejournal.upi.edu/index.php/JEB/article/download/36541/15588>

<sup>21</sup> *Ibid*

The following mitigation efforts have been undertaken by the Ministry of Law and Human Rights (Kemenkumham) as the government agency responsible for legal affairs, playing a strategic role in providing legal protection for Micro, Small, and Medium Enterprises (MSMEs):

1. Government initiatives as legal protection for MSMEs, including the issuance of trademark protection regulations, facilitation of registration processes, intellectual property rights education and socialization, legal aid, and accompaniment services.
2. The role of the Special Region of Yogyakarta government in supporting MSMEs' utilization of legal protection, by providing technical assistance and consultation services for MSME actors<sup>22</sup> as well as strengthening branding and promotion of local products to enhance their market value and competitiveness at both national and international levels.<sup>23</sup> Branding efforts are implemented through programs and labels such as Jogja Mark, 100% Jogja, and Jogja Tradisional, supported by regional regulations (PERGUB).<sup>24</sup>
3. MSMEs' strategies to utilize legal protection for improving economic competitiveness, including trademark and geographical indication registration, use of collective trademarks, leveraging digital platforms, collaborating with government agencies and intellectual property institutions, as well as focusing on product innovation and quality.

The implementation of collective trademarks as a form of legal protection for MSMEs in the Special Region of Yogyakarta (DIY) has demonstrably had a positive impact on product identity and the enhancement of MSME competitiveness. Collective trademarks, as

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<sup>22</sup> Rico Januar "Perlindungan Hukum terhadap UMKM di Tengah Persaingan Pasar yang Terus Berkembang," *Jurnal Media Akademik* 2, no. 1 2024, p. 1661-1679, <https://jurnal.mediaakademik.com/index.php/jma/article/download/126/126>.

<sup>23</sup> *Harian Jogja*, Kanwil Kemenkumham DIY Lakukan Pemetaan Potensi Kekayaan Intelektual. <https://m.harianjogja.com/jogjapolitan/read/2025/01/23/510/1201887/kanwil-kemenkum-diy-lakukan-pemetaan-potensi-kekayaan-intelektual>. Accessed on February 19, 2025.

regulated under Law Number 20 of 2016 concerning Trademarks and Geographical Indications, grant exclusive rights to business groups for the use of the trademark, safeguarding them from misuse by third parties and clarifying the legal standing of the community in the marketplace. A concrete example is Batik Nitik Trimulyo, where collective trademark registration has preserved cultural motifs while serving as a legally recognized collective branding tool. Nonetheless, the implementation of legal protection through collective trademarks still faces significant challenges.<sup>25</sup> Low legal awareness, limited information regarding registration procedures, and administrative costs perceived as burdensome remain primary obstacles for MSME actors. Many entrepreneurs in peripheral areas do not fully understand the distinction between individual and collective trademarks nor the long-term benefits. The lack of adequate socialization and support from relevant agencies further exacerbates these issues.<sup>26</sup>

The role of the government, particularly through the Directorate General of Intellectual Property (DJKI) and the Regional Office of the Ministry of Law and Human Rights in the Special Region of Yogyakarta (Kanwil Kemenkumham DIY), is crucial in facilitating the registration of collective marks. Programs such as the provision of legal consultation and reduced registration fees demonstrate the state's efforts to strengthen the legal protection of intellectual property within the MSME sector. However, to date, the number of MSMEs registering collective marks remains disproportionately low compared to the potential number of MSMEs in Yogyakarta, which reaches hundreds of thousands of business units.<sup>27</sup> The legal implications of failing to register a collective mark can be significantly detrimental to business groups. Without registration, MSMEs

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<sup>24</sup> *Ibid*

<sup>25</sup> *Ibid*

<sup>26</sup> Astari, R. P., dan N. Fitriyah. "Efektivitas Perlindungan Merek Kolektif UMKM Berbasis Komunitas di Indonesia." *Jurnal Hukum IUS QUIA IUSTUM* 27, no. 1 (2020). p. 85–104. <https://doi.org/10.20885/iustum.vol27.iss1.art5>

forfeit their exclusive rights to their product names or designs, rendering them vulnerable to imitation and unauthorized use by third parties. Notable cases such as the previous foreign claims over Gayo and Toraja coffee serve as a stark reminder of the critical importance of collective mark registration as a means of both legal and economic protection.<sup>28</sup>

Collective trademarks also present opportunities for micro, small, and medium enterprises (MSMEs) to gain recognition in international markets. Products bearing a certified collective trademark are generally more trusted by consumers due to the assurance of quality and authenticity. This is exemplified by Gayo Arabica coffee, which has received recognition from the European Union and experienced a significant increase in exports. Thus, collective trademarks generate not only legal benefits but also economic advantages by enhancing market trust and product value.<sup>29</sup> To increase the effectiveness of legal protection for collective trademarks, regulatory, educational, and facilitative strategies must be comprehensively integrated. Local governments may affirm local products through regulations that mandate the use of collective trademarks within regional industrial supply chains. Simultaneously, community-based legal education and direct assistance for MSME actors must be expanded, particularly in rural areas with limited access to legal information.<sup>30</sup> Overall, the protection of collective trademarks not only strengthens the legal standing of MSMEs but also fosters competitive advantages grounded in local intellectual property. Strengthening legal literacy, streamlining administrative procedures, and encouraging cross-sectoral

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<sup>27</sup> *Ibid*

<sup>28</sup> Sari, Ayu Puspita, dan M. Fauzi. "Hak Kekayaan Intelektual dan Peranannya dalam Pemberdayaan Ekonomi UMKM." *Jurnal Ilmu Hukum* 9, no. 2 (2021), p. 144-160. <https://doi.org/10.33087/jiu.v9i2.359>

<sup>29</sup> *Ibid*

<sup>30</sup> Nurani, Yuli, dan Dewi Sari. "Perlindungan Merek Kolektif Sebagai Identitas Usaha Mikro dalam Perspektif Hukum Bisnis." *Jurnal Hukum & Pembangunan* 52, no. 3 (2022), p. 299-317. <https://doi.org/10.21143/jhp.vol52.no3.3306>



collaboration are essential to encouraging MSMEs to optimally utilize the collective trademark system.<sup>31</sup>

#### **D. CONCLUSION**

Legal protection for collective trademarks for Micro, Small, and Medium Enterprises (MSMEs) in the Special Region of Yogyakarta is firmly grounded in Law Number 20 of 2016 concerning Trademarks and Geographical Indications. This legal framework grants exclusive rights to business groups over their product names and identities, prevents unauthorized use by other parties, and provides a legal basis for enforcement in case of infringement. Protection begins from the moment the trademark registration application is submitted, not upon the issuance of the certificate. In practice, collective trademarks such as Batik Nitik Trimulyo have demonstrated their effectiveness in strengthening legal protection and reinforcing the identity of local MSME products. Business actors who have registered their collective trademarks report tangible legal benefits, particularly in deterring imitation and unauthorized use. Although violations involving collective trademarks in Yogyakarta remain relatively rare, the legal assurance they provide fosters a sense of security among MSMEs. However, the overall implementation remains limited, with only around 30 MSMEs having registered collective trademarks between 2020 and 2024. Challenges include a lack of legal literacy and outreach, administrative hurdles, limited government support, and internal organizational barriers such as differing member interests and issues in standardizing products. Efforts by the Ministry of Law and Human Rights, through its Regional Office in Yogyakarta, include public education campaigns, training sessions, and facilitation of trademark registration. However, these initiatives have not yet been uniformly implemented across all regions, particularly in remote areas where MSMEs may lack awareness of the importance of legal protection through trademark registration. Additional challenges include limited legal knowledge, complex registration procedures

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<sup>31</sup> *Ibid*



(especially in preparing trademark usage documentation), lack of legal and technical assistance, internal conflicts among trademark user communities, and the perceived absence of immediate economic benefits following registration. Nonetheless, mitigation efforts have been initiated through mentoring programs, registration fee subsidies, and inter-agency collaborations aimed at simplifying processes and improving legal awareness among MSME actors.

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