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Legal Protection Against the Imitation of the Well-Known Jollibee Trademark Based on Court Decision Number 36/Pdt.Sus-Merek/2024/PN.Niaga.Jkt.Pst

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ABSTRACT

This research aims to analyze the legal framework governing well-known trademarks in Indonesia, the legal consequences of registering trademarks that resemble well-known marks, and the forms of legal protection against the imitation of the well-known trademark Jollibee based on Decision Number 36/Pdt.Sus-Merek/2024/PN Niaga Jakarta Pusat. The research adopts a normative juridical method, employing statutory and conceptual approaches through a literature review of trademark regulations, legal doctrines, and court decisions. The findings indicate that Law Number 20 of 2016 provides protection for well-known trademarks, including those not yet registered, by limiting the application of the first-to-file principle through the requirement of good faith. The a quo decision affirms the application of substantive protection by prioritizing the reputation and distinctiveness of well-known trademarks over mere registration formalities, and by invalidating a trademark proven to imitate and exploit the reputation of the Jollibee trademark. This research concludes that although judicial protection for well-known trademarks in Indonesia has developed in line with international standards, strengthening administrative mechanisms remains necessary to more effectively prevent trademark imitation and to ensure legal certainty.

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1. INTRODUCTION

Trademarks constitute a strategic instrument in commercial activities as they function as indicators of the origin of goods and/or services, guarantees of quality, and marketing tools that protect business actors from unfair competition (Mahir Pradana, 2015) [1]. In Indonesia, trademark protection has developed dynamically in line with regulatory changes and is currently comprehensively governed by Law Number 20 of 2016 on Trademarks and Geographical Indications, which adopts a constitutive registration system based on the first-to-file principle (Rahmi Jened, 2015) [2]. However, this system is not absolute, as it is limited by the principle of good faith and special protection for well-known trademarks, as emphasized in Article 21 of the Trademark Law, the Paris Convention, the TRIPs Agreement, and Minister of Law and Human Rights Regulation Number 12 of 2021. Well-known trademarks, as well-known marks, possess a high level of reputation and distinctiveness and therefore receive broader protection, particularly to prevent imitation that may mislead consumers and cause harm to trademark owners (Julius Rizaldi, 2009) [3].

In practice, the popularity of well-known trademarks often triggers acts of imitation as a form of unfair business competition, as reflected in various trademark disputes, including the Starbucks case and the Jollibee case. Court Decision Number 36/Pdt.Sus-Merek/2024/PN.Niaga.Jkt.Pst demon-strates the registration of a trademark resembling the well-known Jollibee trademark carried out in bad faith, thereby creating tension between the first-to-file principle and the protection of well-known trademarks. This case reveals that the substantive examination mechanism conducted by the Directorate General of Intellectual Property has not yet been fully effective in preventing the misuse of the constitutive registration system. Therefore, this study is relevant in examining legal protection against the imitation of well-known trademarks in order to strengthen the implementation of substantive examination, ensure legal certainty, protect consumers, and prevent formal legitimacy for trademark registrations that contravene the principles of justice and good faith.

Based on the background described above, the research problems in this study are formulated into the following questions: first, how is the legal regulation of well-known trademarks in Indonesia. Second, what are the legal consequences for parties that register trademarks resembling well-known trademarks. Third, how is the legal protection against the imitation of the well-known Jollibee trademark

based on Court Decision Number 36/Pdt.Sus-Merek/2024/PN.Niaga.Jkt. Pst.

2. RESEARCH METHOD

This research employs a normative juridical method (Soerjono Soekanto, 2013) [4] to analyze legal protection against the imitation of well-known trademarks through Decision Number 36/Pdt.Sus-Merek/2024/PN Niaga Jakarta Pusat. Normative legal research is selected because the study focuses on written legal norms and court decisions as the primary sources for assessing the application of principles governing the protection of well-known trademarks.

The approaches applied in this research include the statutory approach and the conceptual approach (Soerjono Soekanto, 2013) [5]. The statutory approach is conducted by examining and interpreting legal provisions regulating well-known trademarks, particularly Law Number 20 of 2016 on Trademarks and Geographical Indications, along with other relevant regulations. The conceptual approach is used to analyze legal concepts such as well-known trademarks, good faith, the first-to-file principle, and legal protection, as developed in trademark law doctrines and academic literature.

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include trademark-related legislation and Decision Number 36/Pdt.Sus-Merek/2024/PN Niaga Jakarta Pusat. Secondary legal materials comprise textbooks, scholarly journals, and academic works discussing trademark law and the protection of well-known trademarks. Tertiary legal materials are employed as supporting sources to clarify legal terms and concepts, such as legal dictionaries and encyclopedias.

The collection of legal materials is carried out through library research, involving the identification, inventory, and classification of legal materials relevant to the research issue (Soerjono Soekanto, 2013) [6]. The analysis of legal materials is conducted qualitatively using a descriptive-analytical method, by examining and interpreting legal norms and judicial reasoning in court decisions, and then systematizing them to assess the consistency between the application of legal norms and the principles of protection for well-known trademarks. The results of this analysis are used to draw conclusions regarding the effectiveness of legal protection for well-known trademarks in Indonesia.

3. RESEARCH RESULTS AND DISCUSSION

a. The Regulation of Well-Known Trademarks in Indonesia

Trademark regulation in Indonesia is grounded in the conception of a trademark as a distinctive sign that functions not only to identify the origin of goods and/or services, but also to represent reputation, quality, and consumer trust (Andrian Sutedi, 2013) [7]. In this context, trademarks are no longer understood merely as marketing instruments, but as strategic economic and legal assets that require adequate legal protection. This perspective underscores that trademark protection carries both private and public interests, namely safeguarding trademark owners while simultaneously preventing consumer deception.

Law Number 20 of 2016 on Trademarks and Geographical Indications reflects an expanded paradigm of trademark protection by accommodating various forms of trademarks, including non-traditional trademarks, and by granting exclusive rights to registered trademark owners (Saidin, 2015) [8]. Nevertheless, the strengthening of exclusive rights may create imbalances if it is not accompanied by effective oversight mechanisms to prevent opportunistic trademark registrations. Therefore, the requirement of distinctiveness serves not only as an administrative criterion, but also as an ethical instrument to prevent the unlawful exploitation of another party's reputation (Saidin, 2015) [9].

From a juridical perspective, the Indonesian trademark system is inseparable from international commitments such as the Paris Convention, the TRIPS Agreement, and the Madrid Protocol (Baalbaki, 2012) [10]. This harmonization demonstrates Indonesia's efforts to align its trademark protection standards with the global trade regime. However, the adoption of international principles also requires contextual application, particularly in balancing formal legal certainty with substantive justice (Lee & Leh, 2011) [11]. Accordingly, the first-to-file principle, while providing legal certainty through registration, cannot be applied absolutely when a trademark registration is made in bad faith, especially in relation to well-known trademarks.

In this regard, limiting the first-to-file principle through the doctrine of good faith reflects a shift in Indonesian trademark law from a formalistic approach toward a more substantive and equitable approach. Protection of well-known trademarks is no longer based solely on registration status, but also on recognition of the reputation and investment developed by the trademark owner (Darwance & Yokotani, 2020) [12]. This approach has an important ethical dimension, as it prevents legal legitimization of free-riding practices that harm trademark owners and mislead consumers (Ohly, 2017) [13].

Furthermore, the trademark classification system and the constitutive registration principle are fundamentally designed to ensure administrative order and legal certainty (Dewa Gede Atmadja, 2018) [14]. However, in the context of well-known trademarks, these systems must be applied more carefully and selectively. Assessments of trademark reputation, scope of use, and public recognition become crucial to ensure that legal protection is not merely procedural but also reflects substantive justice (Novianti et al., 2017) [15]. Consequently, the protection of well-known trademarks functions not only as a mechanism to safeguard exclusive rights, but also as an instrument to maintain fair competition and ethical commercial practices (Zaenal Arifin & Muhammad Iqbal, 2020) [16].

1) Comparison of the Regulation and Protection of Well-Known Trademarks in Indonesia, Thailand, and the Philippines

The protection of well-known trademarks in Indonesia, Thailand, and the Philippines demonstrates differing normative approaches that reflect each legal system's orientation toward balancing formal legal certainty and substantive justice. Indonesia adopts a constitutive registration system, with the first-to-file principle serving as the basis for the emergence of trademark rights. However, its application is

limited by the principle of good faith, particularly in cases involving well-known trademarks (Afif & Sugiyono, 2021) [17]. This limitation allows for the cancellation of trademark registrations that imitate well-known marks, even if such marks have already been registered, as evidenced in commercial court practice. Consequently, the protection of well-known trademarks in Indonesia is largely judicial and reactive (ex post), relying heavily on evidentiary processes before the courts (Afif & Sugiyono, 2021) [18].

In contrast, Thailand has also not explicitly adopted an anti-dilution regime. Protection of well-known trademarks under the Thai Trademark Act 1991 remains focused on similarity and the likelihood of consumer confusion, whether for similar or dissimilar goods and services (Permata, Raml i, & Utama, 2019) [19]. Although provisions exist concerning public order and the protection of well-known trademarks without mandatory registration, their application depends significantly on the discretion of administrative authorities or judges. As a result, the protection of well-known trademarks in Thailand tends to be inconsistent and case-specific, with relatively low legal certainty particularly in cases that do not directly cause consumer confusion but nevertheless risk undermining the reputation and distinctiveness of well-known trademarks (Permata, Raml i, & Utama, 2019) [20].

Meanwhile, the Philippines demonstrates a more progressive approach to the protection of well-known trademarks. Through the Intellectual Property Code of the Philippines (Republic Act No. 8293) and administrative policies of the Intellectual Property Office of the Philippines (IPOPHL), the Philippines has developed an administrative (ex ante) mechanism for recognizing well-known trademarks (Cabrera & Velez, 2020) [21]. This mechanism allows well-known trademarks to receive protection even before disputes arise, thereby reducing reliance on litigation. Protection in the Philippines is not limited to preventing consumer confusion but also encompasses the protection of reputation and economic value, bringing it closer to the concept of anti-dilution protection (Bello, 2022) [22].

Comparatively, Indonesia and Thailand still situate the protection of well-known trademarks within a traditional trademark law framework centered on consumer confusion, whereas the Philippines has begun to recognize trademark reputation and distinctiveness as independent legal interests. This comparison indicates that, although Indonesian trademark law has opened avenues for protecting well-known trademarks through the principle of good faith, it still requires stronger administrative and conceptual reinforcement to ensure that such protection is not exclusively reactive and litigation-driven.

Accordingly, lessons drawn from the Philippine model suggest that strengthening administrative recognition mechanisms for well-known trademarks could serve as a viable policy alternative for Indonesia to enhance legal certainty, protection efficiency, and substantive justice without having to wait for judicial disputes. Such an approach is also relevant in addressing the challenges of global trade and the increasingly complex practices of well-known trademark imitation.

b. Legal Consequences for Parties Registering Trademarks Resembling Well-Known Trademarks

The registration of a trademark that resembles a well-known trademark constitutes an act that potentially violates the law, as it may cause consumer confusion and harm the legitimate trademark owner. Law Number 20 of 2016 on Trademarks and Geographical Indications provides special protection for well-known trademarks, including those that have not been registered in Indonesia, provided that their reputation can be proven. Accordingly, the Directorate General of Intellectual Property is authorized to reject trademark registration applications that are identical or substantially similar to well-known trademarks in order to prevent economic parasitism and unfair competition (Lumopa & Farly, 2018) [23].

In essence, the registration of a trademark that resembles a well-known trademark constitutes an infringement of the exclusive rights of the trademark owner, including the right of use, reputational rights (goodwill), and the right to distinctiveness. The reputation of a well-known trademark is built through long-term investment; therefore, trademark imitation may degrade brand image, weaken distinctiveness, and result in trademark dilution (Marwiyah, 2016) [24]. Such conduct not only causes economic harm to the trademark owner but also misleads consumers and undermines the integrity of a fair market.

From a civil law perspective, the registration of a trademark that resembles a well-known trademark may give rise to legal consequences in the form of a lawsuit before the Commercial Court pursuant to Article 83 of Law Number 20 of 2016. The owner of a well-known trademark is entitled to seek the cancellation of the trademark registration made in bad faith, cessation of trademark use, compensation for material and immaterial damages, as well as the withdrawal and destruction of infringing products from circulation. A cancellation decision has retroactive effect from the date of registration, meaning that the infringing trademark rights are deemed never to have existed (Djumhana & Djubaedillah, 2016) [25].

In addition to civil sanctions, infringement of well-known trademarks may also result in criminal liability. Law Number 20 of 2016 stipulates imprisonment and/or fines for parties who, without authorization, use a trademark that is identical or substantially similar to a registered trademark, as well as for those who trade goods resulting from trademark infringement. The enforcement of criminal sanctions constitutes a complaint-based offense, meaning that legal proceedings may only be initiated upon a complaint filed by the aggrieved trademark owner (Wirayuda, 2020) [26].

Accordingly, the registration of a trademark that resembles a well-known trademark gives rise to serious legal consequences under both civil and criminal law. This regulatory framework demonstrates the state's commitment to protecting intellectual property rights, safeguarding the reputation and economic value of well-known trademarks, and protecting consumers from misleading practices. Firm and

consistent law enforcement therefore serves as a crucial instrument in ensuring legal certainty and fostering a healthy and fair business competition climate in Indonesia.

c. Legal Protection Against the Imitation of a Well-Known Trademark in the Case of the Jollibee Trademark Based on Decision Number 36/Pdt.Sus-Merek/2024/PN.Niaga. Jkt.Pst

1) Analysis of Decision Number 36/Pdt.Sus-Merek/2024/PN Niaga Jakarta Pusat.

Decision Number 36/Pdt.Sus-Merek/2024/PN Niaga Jakarta Pusat concerns a trademark dispute between Jollibee Foods Corporation, as the owner of the well-known trademark "JOLLIBEE," and the owner of the trademark "JOLLYBE," with the Ministry of Law and Human Rights of the Republic of Indonesia acting as a Co-Defendant. The core issue of the dispute centers on the legality of the registration of the "JOLLYBE" trademark, which was alleged to bear substantial similarity to the well-known "JOLLIBEE" trademark, thereby posing a risk of consumer confusion and causing economic harm to the owner of the well-known trademark.

The Panel of Judges found that the Plaintiff had successfully established the status of "JOLLIBEE" as a well-known trademark through evidence of national and international trademark registrations, consistent use, and a strong global reputation in the fast-food restaurant sector. The assessment of similarity was conducted comprehensively by considering phonetic, visual, and overall impression elements, which demonstrated a significant degree of proximity between the "JOLLYBE" trademark and the Plaintiff's mark. Such similarity was deemed sufficient to create a likelihood of consumer confusion, notwithstanding minor differences in spelling and service classification.

In its legal reasoning, the Court did not treat the first-to-file principle as an absolute determinant of trademark rights. Instead, the principle was interpreted in conjunction with the prohibition against registering trademarks that resemble well-known trademarks, as stipulated in Article 21 paragraph (1) letter (b) and paragraph (3) of Law Number 20 of 2016. Accordingly, the registration of the "JOLLYBE" trademark was held not to give rise to valid legal rights, as it was carried out by exploiting the reputation of the Plaintiff's well-known trademark. The legal consequence affirmed by the Court was the cancellation and removal of the "JOLLYBE" trademark from the General Trademark Register by the Directorate General of Intellectual Property.

From a critical perspective, this decision reflects a growing tendency in Indonesian commercial courts to prioritize substantive protection of well-known trademarks, despite the national trademark regime remaining largely grounded in a constitutive registration system. While this approach strengthens the legal position of well-known trademark owners, it simultaneously exposes the limitations of Indonesian trademark law, which has not yet explicitly adopted an anti-dilution doctrine. As a result, protection for well-known trademarks continues to depend primarily on proof of similarity and the likelihood of consumer confusion.

A comparative view with other jurisdictions , such as Thailand and the Philippines, highlights notable differences in regulatory approaches. Thailand, although lacking an explicit anti-dilution regime, provides a degree of protection for well-known trademarks through assessments of reputation and potential harm to trademark distinctiveness. However, enforcement remains highly dependent on the discretion of administrative officials and judges (Permata, Ramli, & Utama, 2019) [27]. By contrast, the Philippines, through the Intellectual Property Code of the Philippines, adopts a more progressive framework by recognizing cross-class protection for well-known trademarks, including protection against the weakening and tarnishment of trademark reputation without requiring direct proof of consumer confusion (Cabrera & Velez, 2020)[28].

In this context, Decision Number 36/Pdt.Sus-Merek/2024/PN Niaga Jakarta Pusat may be regarded as a significant step forward in Indonesian judicial practice, while simultaneously underscoring the need for normative reform. In the absence of explicit statutory provisions addressing trademark dilution, the consistency of protection for well-known trademarks remains heavily reliant on judicial interpretation. Therefore, strengthening the regulatory framework governing well-known trademarks in a more substantive manner is essential to ensure legal certainty, protect investment and brand reputation, and prevent unfair business competition.

2) Protection of the Well-Known Jollibee Trademark Based on Decision Number 36/Pdt.Sus-Merek/2024/PN.Niaga.Jkt .Pst.

Decision Number 36/Pdt.Sus-Merek/2024/PN Niaga Jakarta Pusat affirms that well-known trademarks, such as "JOLLIBEE," are entitled to special legal protection that is broader in scope than that afforded to ordinary trademarks. The Panel of Judges held that the status of a well-known trademark is determined not solely by its actual use in Indonesia, but also by its international reputation, level of public recognition, and evidence of global promotion. On this basis, the registration of the "JOLLYBE" trademark was deemed to violate the principle of good faith because it imitated and free-rode on the fame of the Plaintiff's well-known trademark, and therefore deserved to be annulled in order to prevent consumer confusion and reputational harm.

Legal protection for the Jollibee trademark in this decision is reflected through both preventive and repressive mechanisms as regulated under Law Number 20 of 2016 on Trademarks and Geographical Indications. Preventive protection is realized through the prohibition of registering trademarks that are substantially similar to well-known trademarks pursuant to Article 21 paragraph (1) letters b and c, while repressive protection is carried out through trademark cancellation lawsuits in accordance with Article 76 paragraph

(2) and Article 83 paragraph (2). The cancellation of the "JOLLYBE" trademark and the order for its removal from the General Register of Trademarks underscore that a constitutive registration system does not protect trademarks registered in bad faith.

In addition to safeguarding the exclusive rights of the well-known trademark owner, this decision also serves to protect consumers and maintain fair business competition. By rejecting trademark free-riding practices, the court ensures certainty regarding the origin of goods and services and prevents public deception. This decision further demonstrates Indonesia's consistency in fulfilling its international obligations, particularly under the TRIPS Agreement, and sends a positive signal for the investment climate by guaranteeing strong legal protection for global trademarks operating in Indonesia.

Furthermore, based on an interview with Agung Harish Bastoro, First Expert Legal Analyst at the Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia, several concrete steps may be undertaken by trademark owners, in this case Jollibee Foods Corporation as the owner of the well-known Jollibee trademark, namely:

a) First, preventive measures are carried out through the official registration of the trademark in various countries, including Indonesia, in order to obtain exclusive rights to the use of the trademark as stipulated in Article 3 and Article 35 of Law Number 20 of 2016 on Trademarks and Geographical Indications.
b) Second, when an infringement arises in the form of the registration of a trademark such as "JOLLYBE" by another party, which has substantial similarity to the well-known "JOLLIBEE" trademark, the trademark owner must undertake repressive measures by filing a trademark cancellation lawsuit with the Commercial Court. This step refers to Articles 76 and 83 of the Trademark Law, which grant registered and well-known trademark owners the right to sue parties who register trademarks without authorization for personal gain.
c) Third, the owner of a well-known trademark such as Jollibee Foods Corporation must prove that the "Jollibee" trademark is globally and nationally well known, and that it possesses a reputation and distinctiveness that are easily recognized by the public. This serves as the basis for judges to consider granting protection to a well-known trademark as provided under Article 21 paragraph (1) letters b and c of the Trademark Law.
d) Fourth, if the court grants the lawsuit filed by Jollibee Foods Corporation by declaring that the Defendant's trademark registration was conducted in bad faith and ordering the deletion of the trademark from the General Register of Trademarks, such a decision constitutes firm judicial protection of the rights to a well-known trademark.

Based on the foregoing discussion, Decision Number 36/Pdt.Sus-Merek/2024/PN Niaga Jakarta Pusat demonstrates a significant shift from a formalistic approach toward substantive protection in Indonesian trademark law. The panel of judges did not confine its assessment to the fulfillment of administrative registration requirements, but instead conducted a contextual evaluation of the broader legal implications of trademark registration, including the protection of the reputation of well-known marks and consumer interests. This approach reflects the application of the principle of substantive justice, whereby formal legality is not automatically deemed valid if the substance of the registration harms other parties who hold factual and economic priority rights.

The decision also illustrates that the concept of a "well-known trademark" is understood dynamically and is not limited to evidence of domestic use alone. The judges acknowledged that in the era of globalization and the digital economy, trademark reputation may be established across national borders through international promotion, global business networks, and media exposure. Accordingly, proof of a well-known mark no longer depends exclusively on penetration of the domestic market, but also on international recognition that is relevant to the Indonesian market context. This approach strengthens Indonesia's position as a jurisdiction that is adaptive to developments in global trademark law.

From a comparative law perspective, the approach adopted by the commercial court in the Jollibee case is consistent with standards for the protection of well-known trademarks in other jurisdictions. In Thailand, for instance, protection of well-known marks does not strictly require prior registration, provided that a strong reputation and the potential for public confusion can be demonstrated. The Thai Trademark Act grants authority to administrative bodies and courts to refuse or cancel trademarks that imitate well-known marks, even where they fall under different classes of goods or services, as long as there is a risk of association or reputational harm. This similarity in approach indicates that the Jollibee decision aligns with the mainstream of international practices on the protection of well-known trademarks.

By contrast, when compared to the Philippines, Indonesia's system still positions the judiciary as the central actor in enforcing protection for well-known trademarks on an ex post basis. The Philippines, through the Intellectual Property Office of the Philippines (IPOPHL), provides a stronger administrative mechanism to identify and reject trademark applications that have the potential to dilute well-known marks at an early stage. The Jollibee decision shows that Indonesia tends to rely on judicial mechanisms to correct deficiencies in the registration system, which, although effective in a repressive sense, may result in higher costs and legal uncertainty for owners of well-known trademarks.

Critically, although the decision deserves appreciation for providing robust protection to a well-known trademark, it simultaneously reveals structural limitations within Indonesia's trademark registration system. Reliance on judicial cancellation proceedings indicates that substantive examination by the Directorate General of Intellectual Property (DJKI) has not yet been fully optimized to detect trademark applications that potentially imitate well-known marks. Consequently, this decision should be understood not only as a judicial victory for Jollibee, but also as a reflection of the need to strengthen the preventive administrative role of the DJKI in avoiding trademark disputes at an early stage.

Thus, the protection afforded to the Jollibee well-known trademark in this decision carries not only individual significance for the trademark owner, but also systemic implications for the development of trademark law in Indonesia. The decision reinforces the direction of national trademark policy toward closer alignment with international standards, while affirming that the protection of well-known trademarks is a crucial instrument for safeguarding market integrity, legal certainty, and business confidence in a global competitive environment.

4. CONCLUSION

Based on the discussions presented in the preceding chapters, the following conclusions may be drawn:

a. The legal regulation of well-known trademarks in Indonesia is situated within a trademark law framework that recognizes trademarks as economic and legal assets embodying both private and public interests. Accordingly, protection is not based solely on the formal aspect of registration, but also on reputation, good faith, and substantive justice. Law Number 20 of 2016 provides a legal basis for the protection of well-known trademarks, including those that are not registered, by limiting the application of the *first to file* principle and emphasizing distinctiveness and good faith. However, in practice, such protection remains largely reactive and heavily dependent on judicial mechanisms. When compared to Thailand and the Philippines, Indonesia continues to adopt a traditional approach centered on consumer confusion, whereas the Philippines has developed a more progressive ex ante administrative protection system that is closer to the anti-dilution concept. Therefore, although Indonesia has normatively demonstrated its commitment to protecting well-known trademarks in line with international standards, strengthening administrative mechanisms and undertaking conceptual reform remain necessary to ensure legal certainty, substantive justice, and effective responses to increasingly complex challenges in business competition and global trade.
b. The legal consequences arising from the registration of trademarks that resemble well-known trademarks reflect the existence of firm legal protection for the exclusive rights of trademark owners, as well as for consumer interests and fair competition. Registration that imitates or is substantially similar to a well-known trademark is considered an unlawful act, as it has the potential to mislead consumers, damage reputation, and weaken the distinctiveness built through long-term investment. The juridical consequences are not limited to the refusal or civil cancellation of trademark registration by the Commercial Court, which applies retroactively and extinguishes all rights of the infringing party, but may also extend to criminal sanctions where there is unauthorized use of a registered trademark. Thus, this regulatory framework underscores Indonesia's commitment to preventing reputation free-riding and trademark dilution, while reinforcing legal certainty, protection of the economic value of well-known trademarks, and fairness within the national business competition environment.
c. Legal protection against the imitation of the well-known Jollibee trademark, as reflected in Decision Number 36/Pdt.Sus-Merek/2024/PN Niaga Jakarta Pusat, demonstrates that Indonesian commercial courts have adopted a substantive approach to trademark protection by prioritizing reputation, distinctiveness, and consumer interests over mere registration formalities. Through this decision, the court affirmed that the *first to file* principle cannot be used to legitimize the registration of trademarks that imitate or exploit the fame of a well-known trademark, and it recognized the dynamic nature of well-known trademarks by taking into account international reputation and global exposure. The cancellation of the "JOLLYBE" trademark illustrates the effectiveness of repressive legal mechanisms in safeguarding the exclusive rights of well-known trademark owners, while simultaneously reaffirming Indonesia's commitment to international trademark protection standards. Nevertheless, the decision also reveals structural limitations within the national trademark registration system, which still relies heavily on judicial correction, thereby emphasizing the need to strengthen the administrative role of the Directorate General of Intellectual Property in the early prevention of well-known trademark imitation to ensure legal certainty, protection efficiency, and a healthy business competition climate.

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