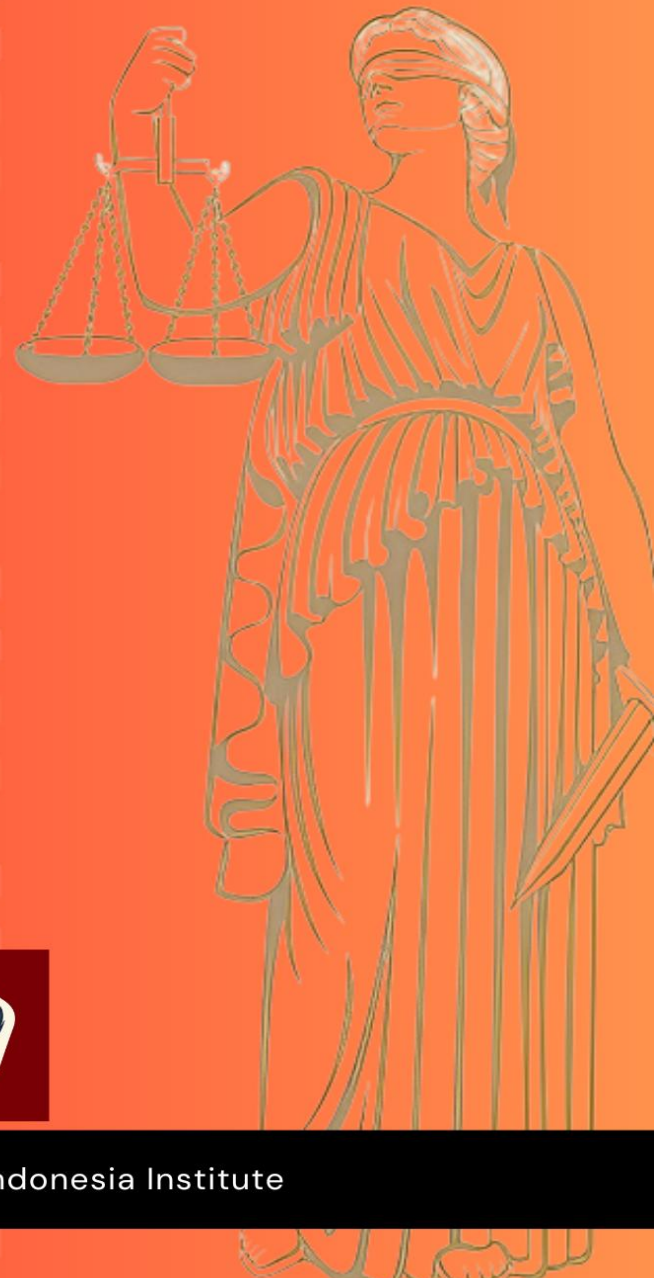


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Page : 486-514

DOI : [10.53955/jsderi.v3i3.147](https://doi.org/10.53955/jsderi.v3i3.147)

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3. [Legal Protection of Intellectual Property Rights in Indonesia for SME Performance](#)

I Wayan Sukania, Agustinus Purna Irawan, Fransisca Iriani Roesmala Dewi, Esanov Azamat Esirgapovich

Page : 515-539

DOI : [10.53955/jsderi.v3i3.104](https://doi.org/10.53955/jsderi.v3i3.104)

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Josua Halomoan Napitupulu, Mompang L. Panggabean , Hulman Panjaitan, Wiwik Sri Widiarty

Page : 540-567

DOI : [10.53955/jsderi.v3i3.154](https://doi.org/10.53955/jsderi.v3i3.154)

Abstract View : 1478

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R. Narendra Jatna, Amir Firmansyah, Hasbullah, Muhammad Umar Bin Abdul Razak

Page : 568-589

[DOI : 10.53955/jsderi.v3i3.157](#)

Abstract View : 626

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Bambang Manumayoso, Abdul Kadir Jaelani, Wan Mohd Khairul Firdaus , Tojiboev Akbar Zafar Ogli

Page : 590-615

[DOI : 10.53955/jsderi.v3i3.105](#)

Abstract View : 722

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Bambang Ali Kusumo, Rustambekov Islambek Rustambekovich, Yakubov Axtam Nusratilloevich, Xodjayev Baxshillo Kamolovich

Page : 616-640

[DOI : 10.53955/jsderi.v3i3.168](#)

Abstract View : 452

PDF downloads: 597

[PDF](#)

8. [Exploring Restorative Justice in Domestic Violence Cases](#)

Gregorius Widiartana, Vincentius Patria Setyawan, Ariesta Wibisono Anditya

Page : 641-666

[DOI : 10.53955/jsderi.v3i3.87](#)

Abstract View : 785

PDF downloads: 577

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9. [The Accountability Principle in Personal Data Protection in Sweden and Indonesia](#)

Wardah Yuspin, Kelik Wardiono, Arief Budiono, Andria Luhur Prakoso, Trisha Rajput

Page : 667-694

[DOI : 10.53955/jsderi.v3i3.97](#)

Abstract View : 676

PDF downloads: 603

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10. [Legal Protection of Artificial Intelligence Applications in Banking](#)

Maheswara Perbawa Sukawati, Amad Sudiro, I Wayan Gde Wiryawan

Page : 695-721

DOI : [10.53955/jsderi.v3i3.175](#)

Abstract View : 586

PDF downloads: 628

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11. [Indonesian Advocates' Success Fee Agreements: Policies and Challenges](#)

Putu Bagus Dananjaya, I Ketut Sukawati Lanang Putra Perbawa, Yulchiboy Khudaynazarovich Buriev

Page : 722-745

DOI : [10.53955/jsderi.v3i3.150](#)

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Research Article



Legal Protection of Intellectual Property Rights in Indonesia for SME Performance

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Abstract: Small and Medium Enterprises (SMEs) play an important role in economic growth, job creation, and driving innovation. However, the competitiveness of SMEs is often hampered by weak protection of intellectual capital assets, particularly in aspects of intellectual property related to SME trademarks. This article examines the urgency of establishing a comprehensive legal framework to protect intellectual capital assets, specifically in aspects of intellectual property related to SME trademarks, as a strategic effort to promote innovation and improve SME performance. The research method used is normative legal research with a legislative, conceptual, and comparative approach to the practice of intellectual property law protection with South Korea and Singapore. The findings demonstrate three central points. First, Indonesian culinary SMEs actively confront major obstacles in implementing legal protection for intellectual capital assets, particularly intellectual property. Complex registration bureaucracy, high administrative costs, weak law enforcement, and low literacy among business owners directly hinder their capacity to innovate and compete. Second, comparisons with South Korea and Singapore illustrate that states can significantly enhance SME competitiveness by integrating efficient intellectual property protection systems with economic incentives and by cultivating a strong legal culture. Third, Indonesia must design and implement a responsive, inclusive, and adaptable model of intellectual capital protection, particularly in the field of intellectual property. Policymakers can achieve this goal by simplifying regulations, strengthening regional institutions, and advancing public education. Through these measures, intellectual property will operate not merely as a legal safeguard but as a strategic asset that stimulates innovation, broadens access to financing, and empowers culinary SMEs to become a driving force in building a globally competitive creative economy.

Keywords: Intellectual Capital; Intellectual Properties; Legal Protection; SMEs; Trademark.



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INTRODUCTION

Small and medium enterprises (SMEs) act as the engine driving national economic progress,¹ SMEs not only contribute to job creation and income distribution but also serve as an important foundation for maintaining economic stability.² Especially in developing countries like Indonesia, the role of SMEs in driving the country's economic growth cannot be overlooked. SMEs are a strategic sector that serves as the backbone of the national economy,³ as evidenced by their contribution of over 60%

¹ Qin Lei, 'Intellectual Property Information Service Methods for SMEs in University Libraries', *The Journal of Academic Librarianship*, 50.6 (2024), 102960 <https://doi.org/10.1016/j.acalib.2024.102960>

² Hong Chen, 'The Impact of Intellectual Property Protection on the Development of Digital Economy and Regional Entrepreneurial Activity: Evidence from Small and Medium Enterprises', *Frontiers in Psychology*, 13 (2022) <https://doi.org/10.3389/fpsyg.2022.951696>

³ Nelson Oly Ndubisi, Xin (Amy) Zhai and Kee-hung Lai, 'Small and Medium Manufacturing Enterprises and Asia's Sustainable Economic Development', *International Journal of Production Economics*, 233 (2021), 107971 <https://doi.org/10.1016/j.ijpe.2020.107971>



to the Gross Domestic Product (GDP) and their ability to absorb nearly 97% of the national workforce. This means that most of the economic activity of Indonesian society is supported by SMEs that are spread throughout the country, from major cities to remote villages. The significant role of these SMEs further underscores the importance of this sector's existence in maintaining economic stability, expanding employment opportunities, and promoting equitable development.⁴

According to data from the Ministry of Micro, Small and Medium Enterprises (MSMEs), the number of SMEs in Indonesia has been increasing annually, as illustrated in the following data.

Table 1. Number of MSMEs in Indonesia (2018-2024 Period)

Year	Amount (in millions)
2018	64,19
2019	65,47
2020	64
2021	65,46
2022	65
2023	66
2024	66

Source: Ministry of Micro, Small and Medium Enterprises (MSMEs)

Based on this data, SMEs in Indonesia tend to experience an increase in the period 2018-2024, although there are fluctuations in certain years. In 2018, the number of SMEs was recorded at 64.19 million business units, which then increased to 65.47 million units in 2019. However, in 2020, there was a significant decrease to 64 million units. This decline can be attributed to the impact of the COVID-19 pandemic, which hit the business sector, including tiny and medium-sized enterprises, due to limited economic activity, distribution barriers, and a decrease in public purchasing power. In 2021, the number of SMEs rose again to 65.46 million units, indicating a recovery process driven by digital adaptation, government policy support, and the reopening of economic activities. Although the number slightly decreased to 65 million units in 2022, a positive trend was seen again in 2023-2024, with the number increasing to 66 million units. These efforts are spread across various sectors, such as trade, manufacturing, agriculture, and services, and include culinary arts, fashion, and handicrafts. Amidst these significant contributions, traditional culinary MSMEs hold an important position with an average annual growth of 12.7% over the past five years.

However, the rapid dynamics of digitalization and globalization have changed the way businesses operate. This change forces SMEs to transform by adopting modern organizational practices that can improve efficiency, productivity, and

⁴ Nagamani Subramanian and M. Suresh, 'Economic Sustainability Factors Influencing the Implementation of Sustainable HRM in Manufacturing SMEs', *Environment, Development and Sustainability*, 27.4 (2023), 8661–91 <<https://doi.org/10.1007/s10668-023-04248-z>>.



competitiveness in an increasingly competitive market.⁵ In the context of a knowledge- and technology-based economy,⁶ the sustainability of economic development is no longer solely determined by material factors or physical capital, but is heavily supported by intellectual capital.⁷ Focusing on intellectual capital for sustainability is crucial for small and medium-sized enterprises in developing markets like Indonesia, which often rely on it due to low levels of innovation, weak industry relationships, and inadequate policies for managing social-relational resources. This reliance can hinder innovation, emphasizing the need for collaboration.⁸

Lately, intellectual capital has become increasingly popular in the digital economy worldwide.⁹ It is shown that intellectual capital is the creative use of combined market strategies, intellectual property, human and intangible assets, and knowledge to generate value chains.¹⁰ Intellectual capital consists of human capital, structural capital, and relational capital.¹¹ Unlike physical capital, intellectual capital is not easily imitated, providing a long-term advantage for SMEs. One important component of intellectual capital is structural capital. The structural capital element of an organisation can be defined as the schemes and patterns that enable better employee productivity, where the structure remains intact even after employees leave. Additionally, structural capital involves infrastructure assets and codified information (such as records, databases, and intellectual property rights) that form the company's context for future prosperity. It is emphasised that structural capital holds intellectual property rights, which are crucial for an organisation in developing its human capital. This indicates that intellectual property (IP) is an asset of intellectual capital.¹²

The picture obtained from creative economic sectors shows that intellectual property, as part of Intellectual property, including copyrights, patents, trademarks, and trade secrets, is an integral part of structural capital because it serves as a legal instrument to protect the innovations and knowledge generated by business actors.¹³

⁵ Ali Eren Alper and others, 'Testing the Long-Run Impact of Economic Growth, Energy Consumption, and Globalization on Ecological Footprint: New Evidence from Fourier Bootstrap ARDL and Fourier Bootstrap Toda-Yamamoto Test Results', *Environmental Science and Pollution Research*, 30.15 (2022), 42873–88 <https://doi.org/10.1007/s11356-022-18610-7>

⁶ Minh H. Do, Vo Thanh Tam and Nguyen Kim-Duc, 'Investigating Intellectual Capital: The Role of Intellectual Property Rights Reform', *Cogent Economics & Finance*, 10.1 (2022) <https://doi.org/10.1080/23322039.2022.2106630>

⁷ Federico Alvino and others, 'Intellectual Capital and Sustainable Development: A Systematic Literature Review', *Journal of Intellectual Capital*, 22.1 (2020), 76–94 <https://doi.org/10.1108/JIC-11-2019-0259>

⁸ Chanchai Phonthanukitithaworn and others, 'Sustainable Development towards Openness SME Innovation: Taking Advantage of Intellectual Capital, Sustainable Initiatives, and Open Innovation', *Sustainability*, 15.3 (2023), 2126 <https://doi.org/10.3390/su15032126>

⁹ Navaneethakrishnan Kengatharan, 'A Knowledge-Based Theory of the Firm', *International Journal of Manpower*, 40.6 (2019), 1056–74 <https://doi.org/10.1108/IJM-03-2018-0096>

¹⁰ Mostafa A. Ali and others, 'Intellectual Capital and Innovation Performance: Systematic Literature Review', *Risks*, 9.9 (2021), 170 <https://doi.org/10.3390/risks9090170>

¹¹ Zainab M. Aljuboory and others, 'Intellectual Capital and Firm Performance Correlation: The Mediation Role of Innovation Capability in Malaysian Manufacturing SMEs Perspective', *Sustainability*, 14.1 (2021), 154 <https://doi.org/10.3390/su14010154>

¹² Ali and others.

¹³ Shoaib Ali and Heng Tang, 'Is Intellectual Property Beneficial to Knowledge Management? Literature Review on Organizational Knowledge Protection', *Journal of the Knowledge Economy*, 14.4 (2023), 4100–4118 <https://doi.org/10.1007/s13132-022-00904-3>



However, the awareness of business owners, especially MSMEs in the culinary industry, regarding the protection of intellectual assets such as trademarks is very low. This increases the likelihood of plagiarism, idea theft, and an inability to compete in the broader market. According to a 2023 survey by the Directorate General of Intellectual Property at the Ministry of Law and Human Rights, only 23.5% of traditional culinary MSMEs have officially registered their trademarks. This condition leads to a high number of trademark ownership disputes, with 427 cases recorded throughout 2023-2024, a 32% increase from the previous period. According to data from the Indonesian Consumer Foundation, there was a 47% increase in cases of traditional culinary brand piracy during the 2020-2024 period. This phenomenon is not only occurring at the national level. However, it is also extending to international expansion, where foreign entities have patented some traditional Indonesian culinary products without permission from the original owners in Indonesia. This condition underscores the urgency of comprehensive legal protection.

For example, a case of culinary brand ownership dispute in Indonesia is the "Fettucheese" snack food trademark dispute, which is one of the culinary businesses owned by an SME in Bali. This dispute arose because another party claimed the trademark was like their own business trademark and then registered it with the DJKI. The problem began when the owner of the "Fettucheese" business, who had been producing and marketing their products locally for a long time, failed to register their trademark promptly. This condition was exploited by other parties to file the trademark "Fettucheese" first. As a result, when the original owner applied for trademark registration, the application was rejected because it was substantially or entirely like a previously registered trademark. This situation led to a legal dispute because the original owner felt aggrieved. They argue that the name "Fettucheese" was already in use long before others officially registered it. The dispute was then pursued through legal channels, with a mechanism for objections or cancellation lawsuits against the trademark in a commercial court. This case highlights the weakness of legal protection for MSMEs, who often fail to recognize the importance of trademark registration from the outset. Many MSME actors focus on production and marketing but neglect the legal and formal aspects of intellectual property. In fact, late registration can lead to the risk of losing exclusive rights to a brand that has been painstakingly built.

The regulatory framework for trademark protection in Indonesia itself has undergone several significant changes, particularly with the enactment of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, which replaced Law No. 15 of 2001. Nevertheless, implementation in the field shows a gap between normative provisions and the business practices of SMEs.¹⁴ Unlike Indonesia, South Korea and Singapore have adequate intellectual property protection systems to promote innovation and SMEs. In South Korea, trademark protection is managed by the Korean Intellectual Property Office (KIPO), which serves not only as a registration agency but also as an education and innovation centre. KIPO provides complete digitalisation services for trademark registration, thereby speeding up the process,

¹⁴ Lu Sudirman, Ampuan Situmeang and Fiona Fiona, 'Enhancing Geographical Indications Product Protection: A Comparative Study of Indonesia and India', *Journal of Judicial Review*, 25.2 (2023), 287 <https://doi.org/10.37253/jjr.v25i2.8308>



reducing costs, and minimising unilateral claim practices. Additionally, the South Korean government is encouraging collaboration between SMEs and research centres and universities and is providing special subsidies for intellectual property registration fees for small businesses. This aims to ensure that SMEs are not only legally protected but also able to optimise their brands as commercial assets that enhance competitiveness in the global market.¹⁵ Meanwhile, Singapore, through the Intellectual Property Office of Singapore (IPOS), has a more proactive strategy by making intellectual property an engine for economic growth. IPOS not only facilitates trademark registration but also provides business consultation, startup incubation, and access to international networks. Singapore even built the Asia IP Hub ecosystem, positioning the country as a regional centre for intellectual property protection, commercialisation, and dispute resolution. For MSMEs, this system provides legal certainty and opportunities for brand monetisation through licensing and strategic partnerships.¹⁶

Previous research by Su Jung Jee (2023) states that there is a positive relationship between SME affirmation of informal IP protection measures and IP management and policies, which has implications for increasing SME value appropriation.¹⁷ Research by Chanchai Phonthanukitithaworn (2023) shows that intellectual capital in SMEs increases the recognition of opportunities for SMEs to develop open sustainable innovation, while sustainability-oriented initiatives and open innovation strategies must be well-placed. However, the study did not specifically address intellectual capital assets, namely intellectual property.¹⁸ Research by Hong Chen (2022) indicates that substantial intellectual property management (IPM) is crucial for maintaining competitive advantage and managing open innovation out (OI), which can enhance organisational commercialisation and entrepreneurial performance. Therefore, legal protection of intellectual property is essential. Research by Minh H. Do (2022) shows that companies operating in knowledge-intensive industries and relying primarily on intellectual property to create competitive advantage demand a well-developed intellectual property rights system to prevent their sources of profit from being imitated by competitors. However, this article does not focus on local SMEs.¹⁹ Research by Joseph Amankwah-Amoah (2023) shows how improved or modified industrial design and trademarks can drive inclusive performance. Additionally, we demonstrate that besides perception-based innovation, intellectual property strategies are also important for innovation intensity and sales growth. As a result, our findings

¹⁵ Myung-Sun Na and Incha Park, 'Analysis of Trademark Information for Use of Business Intelligence: Based on Goods and Services Information', *Journal of Computational and Theoretical Nanoscience*, 18.5 (2021), 1518–24 <https://doi.org/10.1166/jctn.2021.9594>

¹⁶ Putri Purbasari Raharningtyas Marditia and Tivana Arbiani Candini, 'Regulation Model for Intellectual Property Financing Scheme (IPFS) Optimizing MSME Capital for the Tourism Sector Comparative Study: Singapore and Malaysia', in *Proceedings of the 3rd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2022)* (Paris: Atlantis Press SARL, 2023), pp. 710–28 https://doi.org/10.2991/978-2-494069-93-0_84

¹⁷ Su Jung Jee and So Young Sohn, 'Perceived Importance of Intellectual Property Protection Methods by Korean SMEs Involved in Product Innovation and Their Value Appropriation', *Journal of Small Business Management*, 61.6 (2023), 2561–87 <https://doi.org/10.1080/00472778.2021.1913597>

¹⁸ Phonthanukitithaworn and others.

¹⁹ Do, Thanh Tam and Kim-Duc.



indicate that the importance of innovation for competitiveness places intellectual capital at a critical point in knowledge management.²⁰

This research fills that gap by offering an ideal policy update for the legal protection of intellectual capital assets, specifically regarding intellectual property aspects related to SME trademarks. The urgency of this research stems from the fact that, despite the availability of regulations, protection practices in the field still face various obstacles, such as limited access to information, a lack of legal awareness among business actors, and weak monitoring and law enforcement mechanisms. This situation often leaves MSMEs in a vulnerable position, especially when their trademarks are taken over or claimed by other parties who formally registered them first. Considering the above, this research aims to: first, analyse and evaluate the legal protection regulatory framework for intellectual property in Indonesia and how it is implemented; second, identify intellectual property protection systems and practices in various countries; and third, formulate an ideal policy model for the legal protection of intellectual capital assets to strengthen the competitiveness and innovation of SMEs in Indonesia. By answering these questions, this research is expected to contribute theoretically and practically to the legal system for protecting intellectual property for SMEs.

METHOD

This research uses a normative legal research method, utilising secondary data as the primary source of analysis.²¹ The approach used includes a statutory approach to examine positive legal provisions, particularly Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Additionally, a conceptual approach was used to analyse legal system concepts in order to assess the effectiveness of intellectual property law protection policies, particularly for trademarks, for SMEs. This was done using Lawrence M. Friedman's legal system theory, which includes legal substance, legal structure, and legal culture. This approach also serves as the foundation for formulating an ideal policy model for the legal protection of intellectual capital assets, particularly intellectual property, to strengthen the competitiveness and innovation of MSMEs in Indonesia. Additionally, a comparative approach is also used to compare with international practices in protecting intellectual property by SMEs, particularly in South Korea and Singapore. The data sources consist of primary legal materials such as national legislation, relevant international conventions or regulations, as well as secondary legal materials including scientific journals, books, and other research findings that support the analysis.²²

²⁰ Joseph Amankwah-Amoah and Stephen Kehinde Medase, 'Extracting Innovation Value from Intellectual Property: Evidence from Sub-Saharan Africa', *Journal of the Knowledge Economy*, 15.2 (2023), 8933–67 <https://doi.org/10.1007/s13132-023-01225-9>

²¹ Abdul Kadir Jaelani, Anila Rabbani and Muhammad Jihadul Hayat, 'Land Reform Policy in Determining Abandoned Land for Halal Tourism Destination Management Based on Fiqh Siyash', *El-Mashlahah*, 14.1 (2024), 211–38 <https://doi.org/10.23971/el-mashlahah.v14i1.8051>

²² Abdul Kamil Razak, Aloysius Wisnubroto and Tajudeen Sanni, 'Legal Reform in the Enforcement of Illegal Fishing Crimes', *Journal of Justice Dialectical*, 3.2 (2025), 155–75 <https://doi.org/10.70720/jjd.v3i2.97>



RESULT AND DISCUSSION

Legal Protection of Intellectual Capital Assets to Support SME Innovation

Culinary SMEs are one of the fastest-growing sectors in Indonesia.²³ According to the Ministry of Tourism and Creative Economy, in 2024, the culinary subsector contributed over 41.69% of the national creative economy's GDP contribution, with an average annual growth of 12.7% over the past five years. This figure confirms that culinary arts not only have an economic function but also serve as a representation of culture and gastronomic diplomacy.²⁴ In Bali, for example, culinary SMEs such as coffee, palm sugar, or home-based culinary products are not only popular with residents but also attract foreign tourists. The growth of the tourism sector is directly proportional to the development of culinary SMEs.²⁵ However, this high economic potential has not been matched by legal protection for intellectual property, which is an asset of intellectual capital. Intellectual property serves as a strategic instrument in supporting economic growth and driving innovation, particularly for SME actors.²⁶

When an SME markets goods or services under an unregistered brand, the business owner forfeits legal protection. Many SMEs, as small-scale industries, continue to disregard the importance of intellectual property protection. This tendency becomes evident in the persistently low number of trademark registrations submitted by SMEs to the Directorate General of Intellectual Property.²⁷ According to a 2023 survey by the Directorate General of Intellectual Property at the Ministry of Law and Human Rights, only 23.5% of traditional culinary MSMEs have officially registered their trademarks. This condition leads to a high number of trademark ownership disputes, with 427 cases recorded throughout 2023-2024, a 32% increase from the previous period. According to data from the Indonesian Consumer Foundation, there was a 47% increase in cases of traditional culinary brand piracy during the 2020-2024 period.

In fact, according to the World Intellectual Property Rights (WIPO), MSMEs have significant potential for growth and the development of product innovation and creativity.²⁸ However, unfortunately, the awareness of MSME actors regarding the importance of utilising Intellectual Property Rights to support their business activities is

²³ Stella Despoudi and others, 'Industry 4.0 and Circular Economy for Emerging Markets: Evidence from Small and Medium-Sized Enterprises (SMEs) in the Indian Food Sector', *Annals of Operations Research*, 350.2 (2025), 453–91 <https://doi.org/10.1007/s10479-023-05404-4>

²⁴ Amal H. A. Mohammed, 'SMEs' Sustainable Development Challenges Post-COVID-19: The Tourism Sector', *World Journal of Entrepreneurship, Management and Sustainable Development*, 18.3 (2022), 407–24 <https://doi.org/10.47556/J.WJEMSD.18.3.2022.7>

²⁵ Nikola Vuksanović and others, 'The Role of Culinary Tourism in Local Marketplace Business—New Outlook in the Selected Developing Area', *Agriculture*, 14.1 (2024), 130 <https://doi.org/10.3390/agriculture14010130>

²⁶ Batara Surya and others, 'Economic Growth, Increasing Productivity of SMEs, and Open Innovation', *Journal of Open Innovation: Technology, Market, and Complexity*, 7.1 (2021), 20 <https://doi.org/10.3390/joitmc7010020>

²⁷ Eliya Ayustina, 'E-COMMERCE BUSINESS LAW IN INDONESIA LEGAL PROTECTION EFFORTS OF MSME BRANDS IN INDONESIA Case Study: Sumedang Regency Regional MSMEs', *International Journal of Law and Constitution Study*, 1.1 (2024), 20–32. <https://jurnal.asrypersadaquality.com/index.php/ijlacos/article/view/235>

²⁸ Jörn Block and others, 'Green Patents and Green Trademarks as Indicators of Green Innovation', *Research Policy*, 54.1 (2025), 105138 <https://doi.org/10.1016/j.respol.2024.105138>



still low.²⁹ On the other hand, identity or trademark, as a form of intellectual property, plays an important role in facilitating and enhancing the trade of goods or services.³⁰ This cannot be ignored, even though a brand is used to distinguish a specific good from other goods of similar form. There are various trademark counterfeits for similar goods at lower prices and lower quality than goods using the counterfeit brand. To make a quick and guaranteed profit is detrimental to entrepreneurs like MSMEs who produce original goods.³¹

This phenomenon indicates a weakness in the legal protection system for the intellectual property of MSME products in Indonesia.³² According to Lawrence M. Friefman, the weakness of the legal system is caused by three factors: the substance of the law, the structure of the law, and the culture of the law.³³ First, the substance of the law. Normatively, Indonesia already has quite comprehensive legal instruments in the field of intellectual property, particularly in trademark protection.³⁴ Some relevant regulations include Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which regulates the procedures for registering, protecting, and resolving trademark disputes;³⁵ Law Number 24 of 2019 concerning Creative Economy, which emphasises the importance of intellectual property as a strategic economic asset;³⁶ and Law Number 6 of 2023 concerning Job Creation, which simplifies several business registration procedures, including trademarks.³⁷

Nevertheless, there are several serious weaknesses at the level of legal substance, including (1) the trademark registration procedure is still considered convoluted and time-consuming. Although some regulations in the field of Intellectual Property have now had their periods shortened, in practice, the registration process until the issuance of the certificate is relatively longer than the specified time. The length of the specified

²⁹ Ha Thi-Thu Le and others, 'Determinants of Intellectual Property Rights Protection in Asian Developing Countries', *Journal of the Knowledge Economy*, 14.4 (2023), 4780–4806 <https://doi.org/10.1007/s13132-022-01051-5>

³⁰ Yougen Cao, Shengce Ren and Mei Du, 'Strategic Trademark Management: A Systematic Literature Review and Prospects for Future Research', *Journal of Brand Management*, 29.5 (2022), 435–53 <https://doi.org/10.1057/s41262-022-00283-9>

³¹ Jeremy M. Wilson and Clifford A. Grammich, 'Protecting Brands from Counterfeiting Risks: Tactics of a Total Business Solution', *Journal of Risk Research*, 24.9 (2021), 1141–60 <https://doi.org/10.1080/13669877.2020.1806908>

³² Emmi Rahmiwita Nasution and Loso Judijanto, 'Legal Strategies for Protecting Intellectual Property Rights in Business A Case Study Creative Industry in Indonesia', *The Easta Journal Law and Human Rights*, 2.02 (2024), 80–88 <https://doi.org/10.58812/eslhr.v2i02.209>

³³ Khusniati Rofi'ah, Martha Eri Safira and Muhammad Ikhlās Rosele, 'The Effectiveness of Accelerating Halal Product Certification: Regulations and Companions', *Journal of Human Rights, Culture and Legal System*, 4.2 (2024), 449–76 <https://doi.org/10.53955/jhcls.v4i2.203>

³⁴ Fitri Rini Ariyesti and others, 'The Systematic Review of the Functionality of Intellectual Property Rights in Indonesia', *Journal of Public Affairs*, 22.2 (2020) <https://doi.org/10.1002/pa.2482>

³⁵ Dyah P. B. Asri and others, 'Valuing Local Heritage: Issue and Challenges of Geographical Indication Protection for Local Artisans in Indonesia Kasongan Village Heritage', *The Journal of World Intellectual Property*, 25.1 (2022), 71–85 <https://doi.org/10.1111/jwip.12206>

³⁶ Abu Muna Almaududi Ausat, Tareq Al Bana and Silvy Sondari Gadzali, 'Basic Capital of Creative Economy: The Role of Intellectual, Social, Cultural, and Institutional Capital', *Apollo: Journal of Tourism and Business*, 1.2 (2023), 42–54 <https://doi.org/10.58905/apollo.v1i2.21>

³⁷ Gede Amatya Ananta and Ida Ayu Putu Santi Purnamawati, 'Implementation of the Indonesian Tourism Economic Development Strategy through the Job Creation Law', in *Proceedings of the International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023)* (Atlantis Press, 2023), pp. 487–95 https://doi.org/10.2991/978-2-38476-180-7_53



period also does not guarantee that the right will be granted;³⁸ (2) high registration fees.³⁹ Based on the provisions of Government Regulation Number 45 of 2014, Second Amendment to Government Regulation Number 45 of 2014 concerning Types and Tariffs for Goods and Services and Types of Non-Tax State Revenue Applicable at the Ministry of Law, MSMEs are exempt from HKI registration fees. However, these fees are still considered burdensome, especially for micro and small businesses, and even if the registration application is rejected, the money already possessed by the applicant cannot be returned. Based on information from DJKI, the cost of trademark registration for MSMEs applying online is approximately Rp500,000 per class, while manual registration can reach Rp600,000 per class. This is quite different from registration for the public, which can cost up to Rp1,800,000 per class if done online, and Rp2,000,000 if done manually;⁴⁰ (3) sanctions for trademark infringement often do not have a deterrent effect because infringers can easily change their trademarks and continue the same practices. Thus, although the legal substance is available, its effectiveness is still low. The existing legal substance is declarative but not fully protective.⁴¹

Second, the legal structure responsible for protecting intellectual property assets, particularly trademarks, in Indonesia includes the Directorate General of Intellectual Property (DJKI) under the Ministry of Law and Human Rights as the registration body,⁴² commercial courts for dispute resolution, the police as law enforcement officers, and relevant ministries such as the Ministry of Tourism and Creative Economy and the Ministry of Small and Medium Enterprises (MSME).⁴³ However, in practice, this legal structure faces significant challenges. These challenges include, first, the limited human resources of law enforcement officers who deeply understand intellectual property issues, resulting in many cases being resolved from a general legal perspective rather than specialising in intellectual property.⁴⁴ Second, the number of commercial courts is minimal, with only a few located in major cities such as Jakarta, Surabaya, and Medan. Consequently, SMEs in tourist areas like Bali face significant barriers, including distance, cost, and time, when accessing commercial courts. Third, the cost of litigation

³⁸ Hayfa Alshowaish, Yousef Al-Ohali and Abeer Al-Nafjan, 'Trademark Image Similarity Detection Using Convolutional Neural Network', *Applied Sciences*, 12.3 (2022), 1752 <https://doi.org/10.3390/app12031752>

³⁹ Kristofer Oscar and Bambang Soesatyo, 'Legal Void in the First to File Principle in the Trademark Registration System in Indonesia and Its Implications for Trademark Ownership Disputes', *Asian Journal of Social and Humanities*, 3.9 (2025), 1661–77 <https://doi.org/10.59888/ajosh.v3i9.569>

⁴⁰ Sri Rahayu, 'Assistance in Making Green Products Based on Used Waste, and Dissemination of Brand Legality', *Jurnal Pengabdian Dan Pemberdayaan Masyarakat Indonesia*, 3.2 (2023), 73–81 <https://doi.org/https://doi.org/10.59247/jppmi.v3i2.119>

⁴¹ Edison Hatoguan Manurung and Ina Heliany, 'Forms of Legal Protection Against Indonesia MSMes in the Field of Intellectual Property Rights', *International Journal of Economy, Education and Entrepreneurship (IJE3)*, 1.1 (2021), 11–21 <https://doi.org/10.53067/ije3.v1i1.2>

⁴² Edgar Thomas Butar Butar and Janpatar Simamora, 'The Role of the Ministry of Law and Human Rights in the Field of Intellectual Property Rights', *Golden Ratio of Data in Summary*, 5.2 (2025), 206–10 <https://doi.org/10.52970/grdis.v5i2.955>

⁴³ Slamet Rosyadi and others, 'The Indonesian Government Capacity in Responding to the COVID-19 Impacts on the Creative Economy Sector', *Sage Open*, 12.2 (2022) <https://doi.org/10.1177/21582440221105820>

⁴⁴ Miranda Risang Ayu Palar, Laina Rafianti and Helitha Novianty Muchtar, 'Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation', *Cogent Social Sciences*, 9.2 (2023) <https://doi.org/10.1080/23311886.2023.2274431>



is relatively high and often beyond the capacity of SMEs. Fourth, inter-agency coordination remains weak, particularly between the Directorate General of Intellectual Property (DGIP) and local governments that are closer to SME actors.⁴⁵ This condition indicates that Indonesia's legal structure tends to favour large business actors with access to capital and legal advisors, leaving culinary MSMEs in a vulnerable position.⁴⁶

Third, the legal culture of society is also a very determining factor in the effectiveness of intellectual property rights protection.⁴⁷ The low rate of trademark registration (23.5%) indicates that MSME actors do not yet view trademarks as a strategic asset.⁴⁸ Some factors influencing this are: first, the low legal literacy of MSME actors who are more focused on production and distribution than brand protection;⁴⁹ second, the pragmatic view that brand registration is only necessary if the business is already significant; third, consumers who are not very concerned about brand authenticity, so counterfeit products remain popular; and fourth, the perception of a complex bureaucracy in the brand registration process, which leads to apathy among SME actors. This weak legal culture is what then drives the proliferation of piracy, plagiarism, and trademark disputes in the culinary sector.⁵⁰

It is the presence of these factors that will hinder product innovation and the improvement of SMEs. In the context of increasingly fierce market competition, SMEs are required to continuously develop and innovate their products to enhance competitiveness, expand market share, and ensure business sustainability.⁵¹ However, the process of product innovation is not a simple activity; it requires a combination of creativity, technical knowledge, intellectual capital, and adequate regulatory support. In practice, SMEs that successfully create product innovations often face serious challenges in the form of the risk of imitation or duplication by others, especially when their legal protection mechanisms are weak or not optimally utilised.⁵² This happens

⁴⁵ Chandan Maheshkar and Neha Soni, 'Problems Faced by Indian Micro, Small and Medium Enterprises (MSMEs)', *SEDME (Small Enterprises Development, Management & Extension Journal): A Worldwide Window on MSME Studies*, 48.2 (2021), 142–59 <https://doi.org/10.1177/09708464211064498>

⁴⁶ Agi Attaubah Hidayat and others, 'The Future of MSMEs in Indonesia: Policy Directions for National Legal Formation in Supporting MSMEs Growth', *JUSTISI*, 11.1 (2025), 299–316 <https://doi.org/10.33506/js.v11i1.3876>

⁴⁷ Raffaele Trequattrini and others, 'Intangible Assets Management and Digital Transformation: Evidence from Intellectual Property Rights-Intensive Industries', *Meditari Accountancy Research*, 30.4 (2022), 989–1006 <https://doi.org/10.1108/MEDAR-03-2021-1216>

⁴⁸ Jalal Rajeh Hanaysha, 'Exploring the Relationship between Entrepreneurial Marketing Dimensions, Brand Equity and SME Growth', *IIM Kozhikode Society & Management Review*, 12.1 (2023), 22–38 <https://doi.org/10.1177/22779752221125265>

⁴⁹ W. L. Aniek Tyaswati and Setiyowati Setiyowati, 'Brand Registration in the Context of Legal Protection Micro Small Medium Business Products in Indonesia', in *Proceedings of the International Conference On Law, Economics, and Health (ICLEH 2022)* (Atlantis Press, 2023), pp. 594–99 https://doi.org/10.2991/978-2-38476-024-4_59

⁵⁰ Risti Saka and Faisal Santiago, 'Legal Certainty Of Trademark Registration To Improve The Welfare Of Micro, Small And Medium Enterprises (Msmes)', *Jurnal Locus Penelitian Dan Pengabdian*, 3.11 (2024), 874–85 <https://doi.org/10.58344/locus.v3i11.3271>

⁵¹ Hezron M. Osano, 'Global Scaling by SMEs: Role of Innovation and Technology', *Journal of the International Council for Small Business*, 4.3 (2023), 258–81 <https://doi.org/10.1080/26437015.2023.2201896>

⁵² Antreas Kantaros, 'Intellectual Property Challenges in the Age of 3D Printing: Navigating the Digital Copycat Dilemma', *Applied Sciences*, 14.23 (2024), 11448 <https://doi.org/10.3390/app142311448>



because the nature of product innovation is more susceptible to reverse engineering compared to other forms of innovation, such as process innovation, marketing innovation, or organisational innovation. Reverse engineering allows competitors to copy the core ideas and technical designs of a product relatively easily, even without requiring significant research investment. This condition poses a serious threat to the sustainability of SMEs, given their often-limited financial resources, technology, and market access compared to large companies. This risk increases further if SMEs do not have clear and strong legal instruments to protect the results of their innovations, for example, through trademark rights.⁵³

In many cases, the main weakness of SMEs lies in their limited control over the complementary assets needed to commercialise innovation.⁵⁴ These complementary assets can include distribution networks, mass production capabilities, access to advanced technology, or significant capital for marketing activities.⁵⁵ Without mastery of these complementary assets, SMEs would be highly vulnerable to imitation practices, as competitors with greater resources could take over their innovative ideas, produce them on a broader scale, and then dominate the market. Therefore, protecting key technical knowledge is a strategic step that SMEs must take, especially in situations where they are unable to compete directly in terms of production and distribution.⁵⁶

Legal Protection of Intellectual Capital Assets to Support SME Innovation: A Comparative Study of Several Countries

In the global context, legal protection for intellectual capital assets, particularly intellectual property (IP), has evolved into a strategic instrument with a dual function: as a mechanism for protecting rights and as a tool for enhancing economic competitiveness.⁵⁷ For small and medium-sized enterprises (SMEs), the position of intellectual property is not only seen as a shield against the risks of piracy or counterfeiting,⁵⁸ but also as intangible capital that can be transformed into a competitive advantage in both domestic and international markets.⁵⁹ Both developed and developing countries have recognised that without adequate legal protection, SMEs will face significant barriers to adapting to the dynamics of globalisation, free

⁵³ Jee and Sohn.

⁵⁴ Anjar Priyono and Anas Hidayat, 'Dynamic Capabilities for Open Innovation: A Typology of Pathways toward Aligning Resources, Strategies and Capabilities', *Journal of Open Innovation: Technology, Market, and Complexity*, 8.4 (2022), 206 <https://doi.org/10.3390/joitmc8040206>

⁵⁵ Jean-François Hennart, 'How Much Is New in Brouthers et Al.'s New Foreign Entry Modes, and Do They Challenge the Transaction Cost Theory of Entry Mode Choice?', *Journal of International Business Studies*, 53.9 (2022), 2116–32 <https://doi.org/10.1057/s41267-022-00523-9>

⁵⁶ Serdal Temel and Susanne Durst, 'Knowledge Risk Prevention Strategies for Handling New Technological Innovations in Small Businesses', *VINE Journal of Information and Knowledge Management Systems*, 51.4 (2021), 655–73 <https://doi.org/10.1108/VJKMS-10-2019-0155>

⁵⁷ Qingfeng Luo and Xi Zhao, 'Intellectual Property Protection Intensity and Regional Technological Innovation Structure: Based on the Perspective of Economic Complexity Theory', *Heliyon*, 10.21 (2024), e39964 <https://doi.org/10.1016/j.heliyon.2024.e39964>

⁵⁸ Chiara Scrimieri and others, 'Overcoming Barriers to the Adoption of Anti-Counterfeiting Technologies in the Italian Fashion SMEs: An Exploratory Analysis', in *Springer Proceedings in Business and Economics* (Springer, Cham, 2025), pp. 13–25 https://doi.org/10.1007/978-3-031-80692-6_2

⁵⁹ Peter J. Buckley and others, 'Rent Appropriation in Global Value Chains: The Past, Present, and Future of Intangible Assets', *Global Strategy Journal*, 12.4 (2022), 679–96 <https://doi.org/10.1002/gsj.1438>



trade, and digital integration.⁶⁰ This is becoming increasingly relevant as the world enters the creative economy era, where the added value of a product is determined not only by its physical quality but also by the brand, innovation, design, and reputation associated with the product. Interestingly, some East Asian countries, such as South Korea and Singapore, can serve as very relevant references. These two countries have successfully built an ecosystem for the legal protection of intellectual property that is integrated with creative economic development policies. The approach they used not only emphasised regulatory aspects but also encouraged education, incentives, and the utilisation of AI as a tangible business instrument.⁶¹

First, the legal protection of intellectual capital assets in the form of intellectual property in South Korea.⁶² South Korea is one of the most progressive countries in Asia with its intellectual property protection system. Through the Korean Intellectual Property Office (KIPO), the government not only provides an efficient trademark and patent registration mechanism but also offers registration fee subsidies for SMEs.⁶³ This scheme is designed to ensure that capital limitations do not become an obstacle for small business owners in protecting their intellectual property. Additionally, South Korea has developed an integrated digital platform, allowing trademark registration to be done online with a significantly shorter processing time compared to Indonesia. Furthermore, KIPO actively provides legal and technical assistance to SME actors, including through the IP-DESK program located in various major cities and industrial centres.⁶⁴ As a result, the awareness and participation rate of SMEs in IP registration is relatively high. This South Korean approach demonstrates that IP protection is not merely a matter of regulation but is also closely linked to public policy support and economic incentives.⁶⁵ By providing subsidies and speeding up services, the government directly lowers barriers to legal access for SMEs.⁶⁶

Second, Singapore provides legal protection for intellectual capital assets in the form of intellectual property.⁶⁷ Singapore has regulations regarding intellectual property

⁶⁰ Joana Costa and Rafael Castro, 'SMEs Must Go Online—E-Commerce as an Escape Hatch for Resilience and Survivability', *Journal of Theoretical and Applied Electronic Commerce Research*, 16.7 (2021), 3043–62 <https://doi.org/10.3390/jtaer16070166>

⁶¹ Matthew Rimmer, 'The Regional Comprehensive Economic Partnership: Intellectual Property and Trade in the Asia-Pacific', *Asia Pacific Law Review*, 32.2 (2024), 392–435 <https://doi.org/10.1080/10192557.2024.2349387>

⁶² Aldona Małgorzata Dereń and Jan Skonieczny, 'Green Intellectual Property as a Strategic Resource in the Sustainable Development of an Organization', *Sustainability*, 14.8 (2022), 4758 <https://doi.org/10.3390/su14084758>

⁶³ Rami Olwan, 'Intellectual Property Management for Small and Medium-Sized Enterprises in the United Arab Emirates', *Journal of Intellectual Property Law & Practice*, 16.3 (2021), 278–88 <https://doi.org/10.1093/jiplp/jpab036>

⁶⁴ Lurong Chen and Fukunari Kimura, *Intellectual Property Rights and ASEAN Development in the Digital Age* (London: Routledge, 2021) <https://doi.org/10.4324/9781003147657>

⁶⁵ Heman Khouilla and Cécile Bastidon, 'Does Increased Intellectual Property Rights Protection Foster Innovation in Developing Countries? A Literature Review of Innovation and Catch-up', *Journal of International Development*, 36.2 (2024), 1170–88 <https://doi.org/10.1002/jid.3844>

⁶⁶ Nareum Yang and Ji-Whan Yun, 'When Old Institutions Pay off: A New Entrepreneurial State in South Korea and Its Limit in Incorporating Small Firms into Semiconductor Production', *Japanese Journal of Political Science*, 24.2 (2023), 270–87 <https://doi.org/10.1017/S1468109923000026>

⁶⁷ Ria Wierma Putri and others, 'The Legal Protection Towards Traditional Clothes: Intellectual Property Regimes in ASEAN', *Substantive Justice International Journal of Law*, 5.1 (2022), 49 <https://doi.org/10.56087/substantivejustice.v5i1.165>



rights, particularly trademark law. Singapore's trademark law does not directly define a trademark. The Intellectual Property Office of Singapore (IPOS) stipulates that a trademark must satisfy two essential requirements. First, the sign must be capable of graphical representation. Second, the sign must be able to distinguish the goods or services offered in commerce by one party from those of another. IPOS adopts an open and inclusive approach to the definition of "sign," as it provides only illustrative examples rather than an exhaustive list of what may qualify as a sign.⁶⁸

Through these regulations, there are two forms of protection provided to registered trademarks: prevention and enforcement, as implemented in Indonesia. Singapore was once categorised as the "world's piracy capital" by J Leahy in 1984. Since then, Singapore has done extensive work to develop its IP regime.⁶⁹ Interestingly, in less than three decades, Singapore experienced rapid economic growth and is now considered one of the best Intellectual Property Regimes in Asia.⁷⁰ There are two forms of legal protection for intellectual property in Singapore: first, preventive legal protection. SME business owners who register their trademarks will receive more guaranteed protection through a rigorous registration process that screens out trademarks similar or identical to those already registered.⁷¹ This strict registration process will reject any applicant with a similar mark, preventing potential conflicts that could lead to trademark counterfeiting and other forms of infringement. This allows registered trademarks to enjoy the legal monopoly benefit of their registration as proof of ownership of the mark and enables them to sue other parties for trademark infringement.⁷²

Second, repressive legal protection. The owner of a registered trademark has the exclusive right to use the trademark and authorise others to use it.⁷³ However, the merchant has the right to seek compensation from parties who infringe on their trademark. Infringement is defined as when someone violates a registered trademark without obtaining consent from the trademark owner, resulting in the creation of a trademark that is identical or like the original. Well-known brands are highly targeted because they are popular.⁷⁴ Therefore, the law establishes rights for well-known trademarks. Trademark infringement of a well-known trademark is indicated if it was

⁶⁸ Lu Sudirman and Hari Sutra Disemadi, 'Comparing Patent Protection in Indonesia with That in Singapore and Hong Kong', *Legality: Jurnal Ilmiah Hukum*, 29.2 (2021), 200–222 <https://doi.org/10.22219/ljih.v29i2.15680>

⁶⁹ Hallam Stevens and Yvonne Ruperti, 'Smart Food: Novel Foods, Food Security, and the Smart Nation in Singapore', *Food, Culture & Society*, 27.3 (2024), 754–74 <https://doi.org/10.1080/15528014.2022.2163455>

⁷⁰ Bryan Cheang, 'What Can Industrial Policy Do? Evidence from Singapore', *The Review of Austrian Economics*, 37.1 (2024), 1–34 <https://doi.org/10.1007/s11138-022-00589-6>

⁷¹ Kwang-Hwee Cheng, 'Use of Real-Life Imagery and Words in Luxury Brand Trademarks: A Study of the Trademark Lawsuits Involving the Polo/Lauren Company', *Asia Pacific Journal of Marketing and Logistics*, 35.3 (2023), 606–24 <https://doi.org/10.1108/APJML-10-2020-0703>

⁷² Alpana Roy and Althaf Marsoof, 'Removing the Human from Trademark Law', *IIC - International Review of Intellectual Property and Competition Law*, 55.5 (2024), 727–61 <https://doi.org/10.1007/s40319-024-01466-4>

⁷³ Valentina Bonomo and Paola Magnani, 'Non-Distinctive Uses of a Trademark: The CJEU's "Function Theory" (and Its Adoption by Italian Courts) – Future Prospects in Light of EU Trademark Law', *IIC - International Review of Intellectual Property and Competition Law*, 53.5 (2022), 685–700 <https://doi.org/10.1007/s40319-022-01193-8>

⁷⁴ Ana Vladimirovna Pokrovskaya, 'Liability for Trademark Infringement on E-Commerce Marketplaces', *International Journal of Law in Changing World*, 1.2 (2023) <https://doi.org/https://doi.org/10.54934/ijlew.v2i1.40>



first registered without the consent of the well-known trademark owner and if the creation of the trademark is confusing, such as the association of the infringing mark with the well-known trademark, and any other form of damage arising therefrom.⁷⁵ In the case of the owner experiencing an infringement, they can file a protest with the court against the party that initiated the infringing action. The court can award damages to the owner, such as court orders, compensation, and profit reports that account for the form of profit generated from the infringing actions. More specifically, in the case of counterfeit trademarks, the plaintiff is entitled to all damages and profits caused by the infringement, as well as statutory damages not exceeding \$100,000 for each type of goods and services counterfeited and not exceeding million in the aggregate, unless the plaintiff can prove that the plaintiff's actual damages from the counterfeit products exceed million.⁷⁶ Additionally, Singapore has implemented an innovative policy called the IP Financing Scheme. This program allows business owners to use their intellectual property rights as collateral for credit to obtain financing from financial institutions. Thus, KI not only serves as a protective tool but is also productively utilised as real economic capital. This mechanism makes KI a business instrument capable of opening access for SMEs to banking and capital markets.⁷⁷

Based on the explanation of intellectual property law protection, particularly trademark rights in South Korea, Singapore, and Indonesia, the following table illustrates the relevant information.

Table 2. Comparison of Intellectual Property Legal Protection between Indonesia, Singapore, and South Korea

Country	Regulation	Registration Fee	Protection Mechanism	Legal Culture
Indonesia	Indonesia Law Number 20 of 2016 concerning Trademarks and Geographical Indications; Law Number 6 of 2023 concerning Job Creation	Rp500.000- Rp600.000 per class	Preventive and repressive, but weak law enforcement	Low awareness, permissive consumers
South Korea	Korean Intellectual Property Office (KIPO)	Government subsidised for SMEs	Preventive (efficient registration), repressive (fast dispute resolution)	High public awareness
Singapore	Intellectual Property Office of Singapore (IPOS)	Relatively expensive, but grants and incentives are available	Preventive (strict registration process), repressive (high damages, up to SGD 1 million)	High, consumers value official brands

Source: processed by the Author from various sources

Based on the table above, it offers lessons learnt on the legal framework for intellectual property protection that can be applied in Indonesia. Indonesia has a relatively adequate regulatory framework through Law Number 20 of 2016

⁷⁵ Ma'en Juwaihian, Hamzeh Abu Issa and Mohammad Nasr Khater, 'The Crime of Counterfeiting or Imitating a Trademark under Jordanian Trademarks Law', *The Journal of World Intellectual Property*, 28.2 (2025), 589–611 <https://doi.org/10.1111/jwip.12346>

⁷⁶ Morin Tieng and others, 'Legal Challenges of Intellectual Property in Southeast Asia: Key Issues and Implications for Cambodia', *Law and Humanities Quarterly Reviews*, 3.2 (2024), 27–36 <https://doi.org/10.31014/aior.1996.03.02.117>

⁷⁷ António Ferreira, Mário Franco and Heiko Haase, 'Strategic Alliances and Development of Intellectual Capital: A Study of Technology-Based SMEs', *International Journal of Organizational Analysis*, 30.6 (2022), 1644–71 <https://doi.org/10.1108/IJOA-10-2020-2440>



concerning Trademarks and Geographical Indications.⁷⁸ However, in practice, there are still many obstacles, including high registration fees, complex bureaucratic processes, limited access to commercial courts, and low legal literacy among SME actors.⁷⁹ From South Korea, Indonesia can adopt policies to subsidise registration fees and simplify procedures, making it easier for traditional culinary MSME actors, such as Balinese coffee producers, palm sugar producers, or producers of regional speciality culinary products, to protect their trademarks.⁸⁰ From Singapore, Indonesia can learn the importance of systematic education and the utilisation of AI as an economic instrument, for example, by developing AI-based financing schemes (IP-based financing) that can help SMEs access business capital.

Integrating intellectual property rights protection with the development of the creative economy is a strategic step to strengthen the competitiveness of Indonesian SMEs on the global stage.⁸¹ Formalistic protection alone is not enough; there needs to be synergy between regulation, structural support, and changes in the legal culture of society.⁸² In this regard, the models of South Korea and Singapore can serve as a comprehensive reference for creating a more inclusive, efficient, and SME-friendly intellectual property legal protection system.⁸³ Thus, strengthening the legal protection system for intellectual capital assets is not only an effort to protect individual rights, but also part of a national development strategy aimed at making SMEs a high-level competitive engine for economic growth globally.⁸⁴

Legal Protection of Intellectual Capital Assets to Enhance SME Competitiveness and Innovation

The ideal model of legal protection for intellectual capital assets serves not only as a legal instrument but also as a mechanism for sustainable economic development.⁸⁵ In the context of SMEs, IP protection should be understood as a guarantee of business

⁷⁸ Lu Sudirman and others, 'Substantiation of Well-Known Trademarks in Indonesian Trademark Disputes: Legal Analysis and Case Study', *International Journal of Law Reconstruction*, 8.2 (2024) <https://doi.org/http://dx.doi.org/10.26532/ijlr.v8i2.38068>

⁷⁹ Ali Hossain Arman and Shagufta Kahkeshan, 'Comparative Study of IP Law Enforcement in Developing vs. Developed Countries: Identifying Primary Challenges and Their Implications', *SSRN Electronic Journal*, 10.5 (2024), 76–106 <https://doi.org/10.2139/ssrn.5014341>

⁸⁰ Shurui Xiao, Haipeng Mo and Baiqing Xu, 'Research on the Improvement of Pledge Financing of Data Intellectual Property', *The Frontiers of Society, Science and Technology*, 7.3 (2025), 24–30 <https://doi.org/10.25236/FSST.2025.070304>

⁸¹ Dina Dellyana, Nina Arina and Tribowo Rachmat Fauzan, 'Digital Innovative Governance of the Indonesian Creative Economy: A Governmental Perspective', *Sustainability*, 15.23 (2023), 16234 <https://doi.org/10.3390/su152316234>

⁸² Martin Senftleben, 'Robustness Check: Evaluating and Strengthening Artistic Use Defences in EU Trademark Law', *IIC - International Review of Intellectual Property and Competition Law*, 53.4 (2022), 567–603 <https://doi.org/10.1007/s40319-022-01182-x>

⁸³ Maryam Jameelah Hashim, Idris Osman and Mohd Rahim Khamis, 'Effect of Intellectual Capital on SME Performance: Role of Social Capital', *Jurnal Ekonomi Malaysia*, 57.2 (2023) <https://doi.org/10.17576/JEM-2023-5702-05>

⁸⁴ Seyed Mojtaba Hosseini Bamakan and others, 'Patents and Intellectual Property Assets as Non-Fungible Tokens; Key Technologies and Challenges', *Scientific Reports*, 12.1 (2022), 2178 <https://doi.org/10.1038/s41598-022-05920-6>

⁸⁵ Yuan Zhu, Bingyue Wan and Lixin Tian, 'Protection of Intellectual Property Rights, Financial Development and Green Low-Carbon Endogenous Economic Growth', *Sustainability*, 14.20 (2022), 13029 <https://doi.org/10.3390/su142013029>



continuity and a foundation for innovation growth.⁸⁶ Therefore, a legal system design is needed that can overcome the structural, substantive, and cultural weaknesses of the law that are currently still inherent in practice in Indonesia.⁸⁷ First, from the aspect of legal substance, the ideal model demands more responsive regulations to meet the needs of SMEs. The current registration procedure for intellectual property, which is relatively long, complex, and expensive, needs to be simplified.⁸⁸ The best approach is to implement a digital, fast-track registration mechanism with affordable costs, supported by government subsidies.⁸⁹ This aligns with the practice in South Korea, which successfully expanded registration access for SMEs through state financial support.⁹⁰ In addition, protection for geographical indications, traditional recipes, and trade secrets of regional culinary specialties must be expanded, considering Indonesia's rich local culinary heritage has excellent potential to become a global economic asset.⁹¹

Second, from the aspect of legal structure, intellectual property protection should not be centralised only at the Directorate General of Intellectual Property in Jakarta but instead needs to be developed in a decentralised manner.⁹² The ideal model is the establishment of a Regional IP-Desk, collaboratively managed by local government, universities, business associations, and creative communities. This Regional IP-Desk serves as a centre for consultation, registration, and dispute resolution assistance, providing quick and affordable services. Alternative dispute resolution systems such as mediation and specialised IP arbitration need to be strengthened so that SMEs are not burdened with the costs and time of litigation in court. With a closer and more adaptive structure, legal protection can be more evenly distributed across Indonesia, including Bali, which is rich in culinary and cultural products.⁹³

Thirdly, from the perspective of legal culture, the ideal model of IP protection must be able to build collective awareness among both business actors and consumers.⁹⁴

⁸⁶ Martine Gadille and Juan Ramón Gallego-Bono, 'Rebuilding a Cluster While Protecting Knowledge within Low-Medium-Tech Supplier SMEs: A Spanish and French Comparison', *Sustainability*, 13.20 (2021), 11313 <https://doi.org/10.3390/su132011313>

⁸⁷ Lita Tyesta Addy Listya Wardhani, Muhammad Dzikirullah H Noho and Aga Natalis, 'The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems', *Cogent Social Sciences*, 8.1 (2022) <https://doi.org/10.1080/23311886.2022.2104710>

⁸⁸ Ole-Andreas Rognstad, Taina Pihlajarinne and Jukka Mähönen, *Promoting Sustainable Innovation and the Circular Economy* (London: Routledge, 2024) <https://doi.org/10.4324/9781003309093>

⁸⁹ Yosia Hetharie, Isis Ikhwanasyah and Ema Rahmawati, 'Legal Empowerment of Indonesian Micro Small Medium Enterprises in the Digital Era: A Comparing with China', *Jurnal IUS Kajian Hukum Dan Keadilan*, 13.2 (2025), 326–45 <https://doi.org/https://doi.org/10.29303/ius.v13i2.1688>

⁹⁰ Doek Soon Yim, Younghwan Kim and Wangdong Kim, 'Startup Policy and Startup Innovation Ecosystem in Korea', *Science, Technology and Society*, 29.1 (2024), 75–96 <https://doi.org/10.1177/09717218231201887>

⁹¹ Teng-Fei Ma, Chang-Wei Chai and Tseng-Wei Chao, 'On the Study of the Sustainable Development of Intangible Cultural Heritage of Indigenous Peoples' Diets—Take the Protection of Geographical Indications as an Example', *Sustainability*, 14.19 (2022), 12803 <https://doi.org/10.3390/su141912803>

⁹² Nurwati Nurwati and others, 'Critique of Intellectual Property Law Supervision and Policy: Towards a Structured System in Indonesia', *Kosmik Hukum*, 25.1 (2025), 95 <https://doi.org/10.30595/kosmikhukum.v25i1.25148>

⁹³ Chen and Kimura.

⁹⁴ Jaakko Siltaloppi and Rosa Maria Ballardini, 'Promoting Systemic Collaboration for Sustainable Innovation through Intellectual Property Rights', *Journal of Co-Operative Organization and Management*, 11.1 (2023), 100200 <https://doi.org/10.1016/j.jcom.2023.100200>



Education about intellectual properties needs to be integrated into the entrepreneurship curriculum in schools and universities and expanded through training programs for SME actors in the culinary and creative economy sectors.⁹⁵ Furthermore, society as consumers must be encouraged to cultivate a culture of valuing original products, so that demand for counterfeit products naturally decreases. Public campaigns about the importance of valuing local creativity can strengthen a healthy business climate while also supporting Indonesia's position on the global stage as a country with competitive intellectual wealth.⁹⁶ These three aspects are an interconnected whole. An ideal legal protection model for intellectual property is not sufficient with just regulatory updates; effective institutions and a progressive legal culture must support it.⁹⁷ With this combination, IP not only serves as a legal shield for SMEs but also as a strategic instrument for creating innovation, expanding markets, attracting investment, and enhancing global competitiveness.⁹⁸

Furthermore, this ideal model must also integrate intellectual properties protection with creative economic development policies. This can be achieved through an intellectual property financing scheme, which utilizes intellectual property as collateral for a loan.⁹⁹ Singapore has successfully positioned brands and copyrights as economic instruments that facilitate access to financing, and Indonesia must adopt comparable mechanisms to reinforce its innovation ecosystem. Such an approach ensures that small and medium enterprises (SMEs) not only receive legal protection but also secure access to capital for business growth. By establishing an ideal model of intellectual property protection that is responsive, inclusive, and oriented toward innovation, Indonesia strengthens the role of SMEs as a pillar of the national economy. Within this framework, intellectual property protection functions not as a mere administrative obligation but as a strategic, long-term investment that sustains business continuity, enhances competitiveness, and advances the nation's reputation through economic and cultural diplomacy.¹⁰⁰

CONCLUSION

Based on the discussion presented, it can be concluded that, *first*, the implementation of legal protection for intellectual capital assets, particularly

⁹⁵ Yuliya Frolova, Suad A. Alwaely and Olga Nikishina, 'Knowledge Management in Entrepreneurship Education as the Basis for Creative Business Development', *Sustainability*, 13.3 (2021), 1167 <https://doi.org/10.3390/su13031167>

⁹⁶ M. S. Mahrinasari, Satria Bangsawan and Mohamad Fazli Sabri, 'Local Wisdom and Government's Role in Strengthening the Sustainable Competitive Advantage of Creative Industries', *Heliyon*, 10.10 (2024), e31133 <https://doi.org/10.1016/j.heliyon.2024.e31133>

⁹⁷ Saliltorn Thongmeensuk, 'Rethinking Copyright Exceptions in the Era of Generative AI: Balancing Innovation and Intellectual Property Protection', *The Journal of World Intellectual Property*, 27.2 (2024), 278–95 <https://doi.org/10.1111/jwip.12301>

⁹⁸ Aqueeb Sohail Shaik and others, 'How Do Knowledge Management Practices, Intellectual Property Protection and Management Innovation Nurture the Entrepreneurial Leadership to Attain Sustainable Growth?', *Journal of Knowledge Management*, 2024 <https://doi.org/10.1108/JKM-04-2023-0311>

⁹⁹ Michele Grimaldi, Marco Greco and Livio Cricelli, 'A Framework of Intellectual Property Protection Strategies and Open Innovation', *Journal of Business Research*, 123 (2021), 156–64 <https://doi.org/10.1016/j.jbusres.2020.09.043>

¹⁰⁰ Dario Miocevic, Maja Arslanagic-Kalajdzic and Selma Kadic-Magljajlic, 'Competition from Informal Firms and Product Innovation in EU Candidate Countries: A Bounded Rationality Approach', *Technovation*, 110 (2022), 102365 <https://doi.org/10.1016/j.technovation.2021.102365>



intellectual property, in Indonesian culinary SMEs still faces challenges such as complex registration bureaucracy, high costs, weak law enforcement, and low literacy among business owners, thus hindering innovation and competitiveness. *Second*, comparisons with South Korea and Singapore show that an efficient intellectual property protection system, integrated with economic incentives and supported by a strong legal culture, can make SMEs more competitive. *Third*, Indonesia needs to build a responsive, inclusive, and adaptive legal protection model for intellectual capital assets, particularly intellectual property, by simplifying regulations, strengthening regional institutions, and public education, so that intellectual property not only functions as a legal instrument but also as a strategic asset to strengthen innovation, expand access to financing, and make culinary SMEs the driving force of a globally competitive creative economy.

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