



Trademarks Disputes Case in Indonesia: Forensics Linguistic Study

Almaidah; Teguh Setiawan

Master of Education Indonesian Language and Literature, Faculty of Language, Arts, and Culture, Yogyakarta State University, Indonesia

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Abstract

Forensic linguistics focuses on word choice and spelling, this can be useful in resolving language crimes, trademark infringement. Article This show How an expert Linguistics Forensics must use their skills and knowledge to handle conflicts. between brand trade similar Which discuss problem brand trade Which seen from the linguistic side, including the cases of Geprek Benu, Gudang Garam with Gudang Baru, Twin Tulipware with Tupperware, and MS Glow with PS Glow. Formulation problem on this research is; (1) how is the linguistics of trademarks, (2) how case study of trademark disputes in Indonesia. The research objectives in this article are; (1) describe the linguistics of trademarks, (2) describe the problems trademark disputes that exist in Indonesia and understand the importance of linguistic experts in trademark issues. The method used in this study is qualitative, the data sources in this study are trademark cases in Indonesia and those that have been decided by the Constitutional Court.

Keywords: *Linguistics Forensics; Trademarks; Indonesia*

Introduction

Linguistics, especially in the field of forensic linguistics, is always closely related to legal field. A linguist or language expert usually plays a role in analyzing data that will be used as evidence in a court case. Data which analyzed in the form of component Language which related with case. In general etymology, the word "forensics" comes from the Latin *forēns* which means relating to trial or public.

Nowadays, there are many cases that involve linguists in their trials. language uses forensic linguistics to solve related problems with language or linguistics. (Mahsun, 2022) stated that forensic science is a field of science that is used to help respond scientifically to evidence Which relevant with enforcement law. The goal is for know what crime was committed, who committed it, and how the crime was committed done. (Ramin, 2023)

Trademark is defined by (Coulthard & Johnson, n.d) stating that the trademark is the same as it is with copyright, trademark is the language of property rights, trademarks come into play part of the language or semiotics owned by a person, company, institution already real existence and limited. Brand trade is symbol, phrase, or name which used by product manufacturers or serviceproviders to differentiate products or services from other similar products or services. A trademark is a name or symbols related to

the brand of an item. Not to the type of item itself. Evidence of crimes committed is not only verbal. But also non-verbal, one of which is linguistic evidence. If we want to fully consider the function of language, or what speakers do through the use of language, we must consider the context of use and the linguistic choices made. On this basis, analyzing linguistic evidence requires an understanding of genre law trial.

Relevant research conducted by Patrick Sadi-Makangila and Yesdauletova Sabora with the research title "The Place of Forensic Linguistics in the Resolution of Trademark Conflicts: Case of DOUBLEMINT & DOUBIEMLNT". Conclude that Study This show that participation forensic linguistics experts in the trial of community trademark conflict cases are a good alternative for judges to make decisions based on scientific evidence. By because that, approach multidisciplinary is wrong one approach best in overcome problem violation riches intellectual. In study about Position Linguistics Forensics in Completion Conflict Brand Trade: DOUBLEMINT & DOUBIEMLNT case, to provide solutions in conflict communities brand, more specifically for show how similar or the difference DOUBLEMINT& DOUBIEMLNT. (Sadi-Makangila & Sabira, 2021).

Based on introduction Which Already explained in on so, formulation problem on this research is; (1) how is the linguistics of trademarks, (2) how case study of trademark disputes in Indonesia. The research objectives in this article are; (1) describe the linguistics of trademarks, (2) describe the problems trademark disputes that exist in Indonesia and understand the importance of linguistic experts in trademark issues. The method used in this study is qualitative, the data sources in this study are trademark cases in Indonesia and those that have been decided by the Constitutional Court. This article will discuss various trademark cases. Which There is in Indonesia with to examine from side linguistics through understanding phonology, morphology, syntax, lexicography, semantics, pragmatics, discourse.

Literature Review

Brand trade which have case possibility big about problem phonology, morphology, syntax, lexicography, semantics, pragmatic, discourse, until analysis semiotics is also used. Most trademark problems occur when one make an effort protect its stance property linguistics which owned by him (for example brand long) from encroachment by party which use or planning to use brand new, similar, or identical (for example brand new) (Tufi & Blackwood, 2010).

Evidence of crimes committed not only verbal, but also non-verbal, one of which is evidence linguistics. If we want to fully consider the function of language, or what it does done by speakers through the use of language, we must consider the context use and choice linguistics Which made. On base This, analyze proof linguistics need understanding about genre law trial. Malcolm & Johnson Alison (2007).

Brand can in the form of say or phrase, (for example Name brand; Apple, Mac, Apple Care Protection Plan); symbol, logo and design (for example; apple Which Already bitten); slogan or taglines (e.g.; "think different") and, in the last decade, domain names internet (apple.com, imac.com). ownership of all the aforementioned brands is claimed by company computer, Apple.Inc. by Because That, public recognize a brand Trademark is a concern for the industry. So trademark issues are also very interesting interest for expert Language, like Which shown by Shuy, Butters, Shudo, and other experts because trademark litigation involves language-related issues. (Olsson, n.d.)

Technically, a trademark identifies goods, while a service mark identifies services, identify service. Constitution brand trade own focus: Constitution provides control over linguistic and semiotic entities (*marks*) which used by providers of goods and services to identify what they provide market to the public. However, copyright law protects linguistic entities and semiotics which more wide is product, give right to individual for control results business creative they (novel, poetry, drama, essay, letter, composition music, painting, and other). Problem right create appear for expert language forensics which ask question

about plagiarism, identification authorship, and style Language forensics. (*The Routledge Handbook of Forensic Linguistics*, n.d)

Legal protection for brands in Indonesia is still not fully capable of protecting brands that are at risk of brand imitation. This is evidenced by the high number of brand-related cases in Indonesia reaching 658 cases in the 2016-2021 period (Astutik 2021). One of the efforts to protect brands is by using the “*first principle to file*” (first registration) through an international registration mechanism (Nurul Hidayati 2017). However, this is considered less effective, because the brand owner must register his brand in every country where the brand is traded. Therefore, international brand registration is very important in order to obtain protection from other countries by registering it with the designated secretariat, so that it is automatically registered in the system (Irna Nurhayati and Agustina Merdekawati 2008).

According to Susilo (2011) process settlement problem brand trade in Indonesia involving various stages which complex. First, when happen disputes over trademarks, the affected party can file a lawsuit to Court Commerce Which own jurisdiction special in problem solving the. Lawsuit This must base on proof Which Strong and relevant Which support claims of the disputing party. The Commercial Court will consider the evidence submitted by both parties and carry out an assessment of the similarities or similarity of the trademark in question. Experts will also assess whether brand trade the has registered with Correct and fulfil terms and conditions registrant Which set by the Directorate General of Wealth Intellectuals or “Direktorat Jendral Kekayaan Intelektual” (DJKI).

Court in Indonesia there is institution Directorate General Riches Intellectual Ministry Law and Ham Republic of Indonesia (DJKI). DJKI This is institution place of application registration (1) brand trade, (2) patent, (3) design industry, (4) right copyright, (5) geographical indication, (6) DTLST (Integrated Circuit Layout Design), (7) secret trade, (8) Communal KI, (9) KI investigation. In the assessment process, DJKI plays an important role as an institution responsible for registration, protection, And settlement dispute brand trade in Indonesia. DJKI own authority for accept or reject trademark registration applications and can provide decisions that are binding on the parties to the dispute. If one of the parties dissatisfied with the DJKI decision, they can appeal to the Court Commerce. The court will conduct a review of the case and give binding final decision.

Law of the Republic of Indonesia Number 20 of 2016 concerning Trademarks and Geographical Indication. Chapter I Article 1 paragraph (2) Trademark is a trademark used on goods traded by a person or several people together or a legal entity to differentiate them from other similar goods. Law give regulation about entity linguistics, semiotics (*marks*), And phonology Which used by provider goods and service for identify What which they market to the public. In Chapter III Application for Mark Registration Article 4 Paragraph (6-7). Paragraph (6): In matter Brand as Meaning on paragraph (4) in the form of form³ (three) dimensions, the Brand label is attached in the form of characteristics of the Brand Article (7): In the case of a Trademark as referred to in paragraph (4) in the form of sound, label brand in the form of notation and recording voice.

Constitution brand trade consists of from regulation law Which arrange how businesses can identify their products or services in the market to prevent confusion consumer, and protect method they choose for identify their products or services from use by business competitors. (Okawara, 2019). Regarding right create, (J.Meese 2018) consider that brand trade as a very complex legal framework and one that is often unable to regulate clearly the creation, distribution, consumption, and borrowing or provide logic logical. Conceptual basis for his main subjects. A linguist as expert can give contribution substantiveto judge through ability intuitive linguistics and linguistic argumentation.

1. Possibility Confusion

J. Thomas McCarthy (2009; via JT Berger & R.M. Halligan, 2012, p. 135) emphasizes the uniqueness by defining the term “Special” as a term that familiar to most people. However, the legal

connotation is different from its everyday use. In trademark law, “distinctive” is key term; a term must be distinctive to be a sign. “Without reach specificity, Good in a way inherent orthrough acquisition meaning secondary, then an appointment No have status law as "brand trade" or “brand services”. There is no specificity There isn't any sign.”

If consumers feel confused about distinguishing one brand with brand similar, so owner brand long entitled for block user new brand. For example, in similarities that are categorized as similarity of views, voice mention, and ~~ning~~ Then similarity use Also relevant in a way pragmatic.

2. Category Vision (*SIGHT*)

The visual aspect takes in the totality of the trademark's appearance, including also feature semiotics like color, type letter, and design, however here Which most special is about orthography and spelling.

3. Category Voice

Each word has two syllables, with the main emphasis on the syllable first word. This significant and real “sound” difference will be made as expert in psycholinguistics for differentiate brand trade and prevent confusion. (Butters & Butterst, 2008)

4. Category Meaning

The court attempted to base the likelihood of confusion on the brand meaning that will happen to ordinary people will most likely be buy a product or service (product *or service*, p/s) which refers by brand The meaning in the context of trademark law includes (1) denotation and connotation. (2) certain referential associations that may have developed p/s and the source (that is company Which offer p/s for sale). Technical for association is a secondary meaning, it is influenced by various factors such as state of affairs p/s in a way general, share market p/s, And effectiveness advertisement p/s. Until factor- factors that at best only indirectly agree with linguistic analysis. If the secondary meaning is strong enough, the sign is given a technical name. (sign famous). (Katz et al., 2010)

Besides meaning secondary, brand trade on generally No own denotation is completely normal (except in the case of very well-known brands, which can acquire a kind of denotative meaning through metaphorical extension). However, Lots brand Possible own homonym Which is words normal (e.g. Apple, but not Exxon). Thus, the connotation of a trademarks will depend heavily on the denotation and connotation of words or similar elements of words that make up the brand. Thus, the meaning from its constituent units attached to sign itself.

Analysis meaning a brand trade started with definition dictionary from say-words and their component morphemes, even though these words and morphemes are only related in a way arbitrary with company which referred to by brand the in case which there is, car only own one meaning clear relevant, “car”, and say the found in beginning second sign the. With thus, clear that second sign the own similarity meaning.

Method

The research method used in this study is a qualitative method. descriptive. Data qualitative is source description and explanation Which Rich and reasoning about human processes. With qualitative data, one can find out the chronological flow, seeing which events had what consequences, and get useful explanations. In addition, good qualitative data is more Possible produce findings Which No Intentional and integration new Miles, Huberman, and Saldana (2014). The technique used to obtain data in this study

is by *library research method research*). Literature study was conducted to gather data secondary through assessment to regulation legislation, books text, theories, literature, and material studying which related to this research. By collecting trademark cases in Indonesia which already on trial in court and already published in web official Directory of Decisions of the Supreme Court of the Republic of Indonesia. Then data condensation, in this process the data that has been obtained is then processed by selection, simplification, abstraction. Tools data collection used in this research is in the form of literature studies/studies documents (*Documentary Study*) are the main data collection technique. Data which collected will identified and analyzed in a way qualitative in the form of discussion.

Result and Discussion

A. Geprek Benu and I'am Geprek Benu

BENSU GEPREK Chicken is a brand from BENNY SUJONO's initiative which is an abbreviation of "GEPREK BENSU". Founded on March 15, 2017 based on work PT Osakeyhtiö. *AYAM GEPREK BENNY SUJONO* Shop grocery shaped business which legitimate. On date 17 April 2017, company food "*SUM GEPREK BENSU SUJONO SEDEP BENEERR*" start operate after register company and the brand. Oppose Ayam Geprek Benu which famous claim "AKU AYAM GEPREK BENSU" (Ruben Samuel Onsu) "AKU GEPREK BENSU SEDEP BENERRR (PT. Ayam Geprek Benny

Sujono) is product national which nature global and need protection law. This article researcher will discuss from side linguistics based on possible confusion, vision category, sound category, to category meaning.

1) Possibility Confusion

the Geprek Benu and I Am Geprek Benu in on make consumer confusion for distinguish which Geprek Benu is original and which is imitation. Expert duties forensic linguistics here explains the linguistic similarities and differences of sign good with such that appearance can help judge court decide whether possibility the occurrence confusion so big.

2) Category Vision (*Sight*)



In terms of vision in this case Geprek Benu looks different different in a way significant but color until type letter which used both are similar even though it is written that it belongs to PT. Ayam Geprek Benny Sujono at the beginning I AM but No too looks in a way at a glance. Design with using a picture of a chicken with a background of fire illustration is very visible the same. In principle psycholinguistics which accepted good by man that beginning and end say is which most important for introduction and memory. In relation to *SIGHT*, both brands show differences and quite a large equation. All of these data are important to be used as material consideration judge.

3) Category Voice

Geprek Benu with emphasis on the word ben-su, phonologically different the prefix and suffix and the phonemes are arranged in the same order. Characteristics-These characteristics can to some extent hinder the speaker's ability for remember say where Which referring to on business certain and listener "AKU GEPREK BENSU SEDEP BENERRR (PT. Ayam Geprek Benny Sujono) is product national which nature global and need protection law. On article This researcher will discuss from side linguistics based on possible confusion, vision category, sound category, tocategory meaning. Sometimes may not be sure which reference is intendedin context in where Wrong One say the spoken (for example: ayo kita beli makandi Geprek Benu?). This real significant "sound" difference will act as a psycholinguist to differentiate trademarks and prevent confusion.

4) Category Meaning

Court generally depend on definition dictionary for words as important evidence in trademark matters. However, in the dictionary provides relatively little information about the trademark itself: even dictionary which complete only own entry which no more from percentage small from brand, and dictionary generally No confess authority explicit inconnection with status brand trade from words which listed asentry. Therefore, in the case of Geprek Benu it is not found in the dictionary standard. They are made up words, they have no meaning. in dictionary normal. Just just that's the name owner.

B. Gudang Garam and Gudang Baru

PT Gudang Garam Tbk (GGRM) to cast lawsuit case brand trade at theSurabaya District Court. The Company has filed a lawsuit to annul theGudang Baru's trademark to the commercial court through the District Court

Surabaya on 22 March 2021, with number case 3/ Rev.Sus.HKI /Brand/2021/PN.NiagaSby. The Company explained, previously there has been Supreme Court Decision Number 104 PK/ Pid.Sus /2015 dated 10 November 2015 andSupreme Court Decision Number 119 PK/ Pdt.Sus -HKI/2017 dated 28August 2017 which won by Company to Gudang Baru. However, decision the likenot ignored by Gudang Baru. Researcher will discuss from side linguisticsbased on possibility confusion, category vision, category voice, until categorymeaning. (Tumanggor et al., 2022)

1) Possibility Confusion

Possible confusion on the Gudang Baru and Gudang Garam brands hasLots make consumer feel confusion based on fact infield that brands on products Gudang Baru has been misleading. So that it seems as if the productsbelong to the Gudang Baru is or has the potential to be considered a product owned by the Company and/or is part from product owned by Company. PartyGudang Baru still keep going using brands that appear to have similarities inprinciple with brands owned by the Company.



2) Category Vision (*Sight*)

The visual aspect of the Gudang Garam and Gudang Baru brands is very makes consumers confused when viewed from a distance, these two things are not the same different too significant from aspect election color and also design writing using the same thing by using a red background with golden brown writing. With this, the Gudang Garam feel disadvantaged because similarities.

3) Category Voice

Pronunciation on second brand This have emphasis in say second that is the words “Garam” and “Baru” consumers think that the company that makes Gudang Garam is a subsidiary brand of Gudang Baru, this has emphasis on the word “Baru” which makes consumers want to try Gudang Baru whereas brand the no the same very brand which they take it out.

4) Category Meaning

The court attempted to base the likelihood of confusion on the brand meaning that will happen to ordinary people will most likely bebuy a product or service (product *or service*, p/s) which refers by brand them. Meaning in context law brand trade covers (1) denotation and connotation. (2)association referential certain which Possible has develop p/sand its source (i.e. the company offering the p/s for sale). Technical for association is a secondary meaning, it is influenced by various factors like state of affairs p/sin a way general, share market p/s, and effectiveness advertisement p/s.until the best factors only indirectly agree with linguistic analysis. If the secondary meaning is strong enough, the sign is given designation in a way technique (sign famous).

such thing as naming the new Gudang Garam and Gudang Baru brands meaning specifically. It's just that in the KBBI dictionary the word "Gudang" has The meaning of "house or ward where goods are stored" could be included in the meaning of storage or place of manufacture of manufactured goods by this company. Then the word "Baru" has the meaning "never existed before" (viewed) previously" on matter This consumer feel that besides product Gudang Garam there is also updates with naming Gudang Baru which make innovation that makes consumers want to try, even though in fact it is no belongs to Gudang Garam.

C. Tupperware and Tulipwere

Tupperware originate from Name the inventor, Earl Silas Tupperware, expert chemistry from United States. When he was 31 years old he founded the Tupperware company. Plastic Company and factory the first in Farnumsville, Massachusetts, USA this is it product plastic with brand Tupper Plastic start for sale year 1946 through shop and catalog. Dart Industries Inc. United States is a company that produces various types of household appliances made from materials and places plants for house plants and toys for children with various type of design made of high quality plastic. The development of products Tupperware make every representative Tupperware in all over world develop its products. Starting in 2008, Tupperware products began Malaysia entered the country of Indonesia. Followed by the sale of various products Tupperware from abroad. America, Brazil, Korea, China, Japan, Portugal, Israel, Turkey, Venezuela, Philippines, Singapore, India, and from various countries other. (Sulastr, nd)

In 2000, a plastic product called Twin Tulipware was born. Tulipware. Name Twin Tulipware was chosen because it has 2 meanings, namely: Twin, because two people its founder, Tulips, is Name flower which beautiful and own universal concept. Wherever and in whatever language this flower is called by the name Tulips. Bandung is city beginning production and marketing product Twin Tulipware. At first Twin Tulipware is marketed exclusively through distributors. Distributor. In its development, this distributorship system has changed into Stockist and Branches.

On date 6 November 2002 be born PT. Dian Megah Indo Perkasa Mighty follow up development Twin Tulipware which progressive. In field production, era this marked with investment in the form of establishment factory with completeness that is capable of producing high quality products. Innovation in product design and color is professionally designed by the Production House Twin Tulipware. In a decade, based on the philosophy of Care and Grow with Spirit grow flower together, Twin Tulipware now has own factory and more from 50 branch as well as stock is which spread in island Java, Sumatera, Kalimantan, and Sulawesi. With this, the researcher will discuss it from a linguistic perspective. Based on possibility confusion, category vision, category voice, until category meaning.

1) Possibility Confusion

Brand equipment house ladder this which normal used moms in put or keep goods usually have possibility confusion in choosing which brand to choose when purchasing if juxtaposed side by side on a place sale equipment house ladder. Besides possibility confusion on tools house ladder this also own confusion on name where which used that naming this very similar if juxtaposed side by side.

2) Category Vision (*sight*)



The visual aspect takes in the totality of the trademark's appearance, including also semiotic features such as color, font, and design, but here the most specifically is about orthography and spelling.

In terms of appearance, these two brands look different, however product which produced from second brand this have similarity start from form until election color which used. If consumer see in a way at first glance it is the same brand so that on the Tupperware brand feel disadvantaged on matter this, second brand the show difference and quite a large equation. All of these data are important to be material judge's consideration.

3) Category Voice

Each word has two syllables, with the main emphasis on first syllable. Tupperware and Tulipware have two syllables emphasis on tupper-were and tulip-were even though the word tulipware is branded twin is not much mentioned by consumers. Tupper's emphasis words -were and tulips - were in a way phonological various prefix which different but on suffix the phonemes are arranged in the same order. These characteristics arrive certain limits can inhibit the speaker's ability to remember which words refer to a particular business and listener sometimes possible no certain reference where which intended in context in where wrong one word the spoken.

4) Category Meaning

Analysis of the meaning of a trademark begins with the dictionary definition. From words and morpheme its components, although words and morpheme is only arbitrarily related to the company that referred to by the brand. In the case at hand, the car only has one clearly relevant meaning, "car", and the word is found at the beginning both signs. Thus, it is clear that both signs own similarity of meaning.

Dictionary definition for the words words as important evidence in trademark matters. However, in dictionary provide information relatively few regarding trademarks itself: even a complete dictionary has only a few entries. more from percentage small from brand, and dictionary generally No

acknowledges the explicit authority with respect to the trademark status of words which listed as entry. On naming brand Tupperware and Tulipwaredo not exist in any dictionary from standard dictionaries to big dictionary. They are made up words, they are not own meaning in dictionary normal. Only just That Name owner or owner

D. MS GLOW and PS GLOW

Dispute over alleged plagiarism of two beauty products, namely PT Cosmetics Global Indonesia (PKGI) then there is PT Kosmetika Cantik Indonesia (PKCI) Shandy has produced the MS GLOW brand with PT Pstore Glow Shine Indonesia (PGBI) has Putra Siregar who created the PS GLOW brand. On the date 15 March 2022, Shandy Purnamasari is owner brand trade MS GLOW, do submission lawsuit to son Putra Siregar has the PS GLOW trademark at the Medan Commercial Court and is registered numbered case 2/Rev. Sus - IPR/Brand/2022/PN Commerce Mdn. Shandy Purnamasari submit lawsuit to Putra Siregar on suspicion existence similarity or imitation brand trade PS GLOW to MS GLOW. Putra Siregar as owner PS GLOW no want to lost related regarding This, then do filing a counterclaim against MS GLOW at the Surabaya Commercial Court, on date 12 April 2022, numbered case 2/ Rev. Sus - IPR/Brand/2022/PN Commerce Sby. (Sukalandari et al, 2023) In this dispute, both lawsuits were filed by MS GLOW and PS GLOW produced a different final verdict. In the lawsuit filed at the Medan Commercial District Court, the case was won by Shandy Purnamasari or MS GLOW. The judge stated that it was true that Shandy Purnamasari is the first party to use and register the trademark MS GLOW in directorate right riches on intellectual.

Furthermore, in matter this also explained that of course correct existence similarity main between brand trade MS GLOW and PS GLOW. With existence case this so researcher will discuss from view linguistics based on possibility confusion, category vision, category sound, up to category meaning.

1) Possibility Confusion

Trademark dispute case between MS GLOW and PS GLOW. This is what triggered the suspicion of plagiarism from PS GLOW to MS GLOW. Apart from the almost identical brand name and the same product produced, but the packaging products from both brands these trades are similar. MS GLOW itself was founded in 2013 and registered with the Directorate of Intellectual Property Rights in 2016. Meanwhile, PS GLOW was founded in 2021 and is registered with the Directorate General of Copyright. Intellectual Property Rights in the same year. This dispute case was then continuing to the Court. With this, it is possible that confusion by for consumer in choose product beauty, and what we can be certain of is will harm economic income by MS GLOW.

2) Category Vision (*Sight*)



Aspect vision on brand MS GLOW and PS GLOW this very make consumer confusion if seen from distance second matter this no different too significant in terms of color selection and also writing design using things which similar with using background behind gray as well as packaging from soap wash

your face, morning cream, night cream, and even toner using the same packaging very similar. This makes MS GLOW feel disadvantaged because of the similarity of these things. The visual aspect takes the totality of the appearance of the trademark, including such as color, typeface, and design, but here the most special is about orthography and spelling.

3) Sound Category

MS GLOW and PS GLOW with emphasis on the words M-S and P-S as well as synonyms of the word GLOW, phonologically various prefixes and suffixes and the phonemes are arranged in the same order only differing at the beginning of the word M and S. Characteristic features until a certain limit can hinder the ability of speakers to remember which words refer to a particular business and listeners sometimes possibly have no certain reference where which is intended in context where wrong one says the spoken difference "voice" is significant.

4) Category Meaning

Analysis of the meaning of a trademark begins with the dictionary definition of words and their component morphemes, although these words and morphemes are only arbitrarily related to the company referred to by the brand. In the case at hand, the naming of MS GLOW and PS GLOW only differ in the beginning. Thus, it is clear that both signs have their own similarity of meaning.

Courts generally depend on dictionary definitions for words as important evidence in trademark matters. However, the dictionary provides relatively little information about the trademark itself: even a dictionary which completely covers only its own entry. Which is no more than a small percentage of the brand, and a dictionary generally does not confess authority explicitly in connection with status as a brand trade word which is listed. Therefore, in the case of MS GLOW and PS GLOW there is no finding in standard dictionaries. They are made up of words, just that's the name of the owner.

Conclusion

Linguistics really matter for trademark law. This is a naturally interdisciplinary knowledge which is relevant to trademark law practice. However, perhaps more importantly, a linguistic understanding of the terms is the key to trademark law. It describes the prescriptive content that cannot be avoided from the descriptive assessment of trademark claims, and the concepts that have been developed by linguists to classify and explain language use. Linguistics have proven beneficial in giving a framework within which trademark law can address the development rule which discusses various functions which now run by trademark.

This research focuses on the problem from a linguistic perspective by looking for various cases in Indonesia including the case *geprek benua*, *gudang garam vs gudang baru*, *twin tulip was vs Tupperware*, *ms glow vs ps glow*. Researchers observed possible confusion, sight categories, sound categories, and meaning categories. From the cases that have been studied in Indonesia in particular, more use should be made of it. Expert witnesses and inviting forensic linguistics experts when a new brand tries to follow a brand long which is already famous, and to avoid the possibility of conflict with the brand.

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