

SIMILARITIES OF FAMOUS BRAND KEY IN BLOCKCHAIN TECHNOLOGY TOWARDS IMPORTED GOODS TRADE

SEMELHANÇAS ENTRE MARCAS FAMOSAS SÃO FUNDAMENTAIS PARA A TECNOLOGIA BLOCKCHAIN NO COMÉRCIO DE PRODUTOS IMPORTADOS

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Abstract

Business actors who possess exclusive rights over the trade of imported goods will certainly be weak in facing parties who have first applied for the registration of a famous trademark, thereby creating an opportunity to demand legal accountability from parties trading goods without permission and rights. With the emergence of Blockchain technology, opportunities have opened for business actors to utilize it in trading goods that are comprehensively registered until received by consumers, and to enable good-faith business actors to avoid imitation of marketed products, thereby minimizing the occurrence of legal conflicts. Similarities in essential elements are often used by trademark hijackers to imitate registered trademarks resembling famous trademarks, thereby convincing consumers that the traded goods are authentic products. The existence of Blockchain certainly becomes evidence in a legal process that can facilitate tracing imported goods. In M. Isnaeni's theory, legal protection for business actors in the use of Blockchain technology is emphasized because it gives rise to two forms of protection, both internally related to contracts agreed upon by distributors and principal producers, and externally created and directly provided by the

Resumo

Os agentes comerciais que detêm direitos exclusivos sobre o comércio de mercadorias importadas certamente estarão em desvantagem diante de terceiros que solicitaram o registro de uma marca famosa, criando assim uma oportunidade para exigir responsabilidade legal daqueles que comercializam mercadorias sem permissão e direitos. Com o surgimento da tecnologia Blockchain, abriram-se oportunidades para que os agentes comerciais a utilizem no comércio de mercadorias que são integralmente registradas até serem recebidas pelos consumidores, permitindo que os agentes comerciais de boa-fé evitem a imitação de produtos comercializados, minimizando assim a ocorrência de conflitos legais. Semelhanças em elementos essenciais são frequentemente usadas por sequestradores de marcas para imitar marcas registradas semelhantes a marcas famosas, convencendo assim os consumidores de que as mercadorias comercializadas são produtos autênticos. A existência do Blockchain certamente se torna uma prova em um processo legal que pode facilitar o rastreamento de mercadorias importadas. Na teoria de M. Isnaeni, a proteção legal para os agentes comerciais no uso da tecnologia Blockchain é enfatizada porque ela dá origem a duas formas



government or state through laws and regulations. Therefore, the use of a normative juridical research method in this study aims to examine statutory regulations related to trade as well as trademarks and geographical indications in the use of blockchain technology for traded goods.

Keywords: Famous Brands. Blockchain. Trade. Imported Goods. Business Actors.

de proteção: uma interna, relacionada a contratos acordados entre distribuidores e produtores principais, e outra externa, criada e fornecida diretamente pelo governo ou Estado por meio de leis e regulamentos. Portanto, a utilização de um método de pesquisa jurídico-normativa neste estudo visa examinar as regulamentações estatutárias relacionadas ao comércio, bem como às marcas registradas e indicações geográficas, no uso da tecnologia blockchain para mercadorias comercializadas.

Palavras-chave: Marcas Famosas. Blockchain. Comércio. Mercadorias Importadas. Atores Comerciais.

1 INTRODUCTION

The influence of import trade activities within the legal jurisdiction of Indonesia is closely tied to the phenomenon of quality and the fame of the marketed products [1]. Of course, the marketing of goods and services is inseparable from the attached brand. The leveraging of the fame of a product with a high reputation and economic value is closely tied to the status of the brand that has already been established and widely consumed by the public [2].

Buying and selling goods and services among the public, the existence of trademark and geographical indication regulations, and trade rules that create gaps in applicable norms and also lead to multiple interpretations for law enforcement officials, if not utilising digital tracking technology recorded in the trade system distributed through distributor representatives and also marketed to consumers, can result in repressive law enforcement and not provide legal certainty and justice, especially for business actors. The utilisation of a technology must be carried out and requires a legal reconstruction that is preventive in nature by integrating blockchain technology into the system and scheme of imported goods distribution and brand regulations against parties who do not have exclusive rights to the goods and services traded within the jurisdiction of Indonesia [3].

Blockchain offers a revolutionary way to enhance business transparency. By providing an immutable audit trail, fraud prevention, and enhanced data security,

Blockchain enables companies to build trust with customers, partners, and other stakeholders. In the Entrepreneur 5.0 world, where trust and transparency are increasingly becoming crucial factors in business success, Blockchain offers a highly useful tool for creating a more open, trustworthy, and efficient business environment.¹ The implementation of blockchain based on distributed ledger technology ensures that trade activities are recorded with transparency, security, and any changes cannot be manipulated by parties intentionally imitating without the consensus of those involved in the produced goods.

With the presence of blockchain, it is capable of implementing data blocks and connecting them cryptographically, thereby ensuring authenticity, integrity, and especially the security of information within the recorded system [4]. The application in the supply of goods, especially imported goods with famous brand status, makes the presence of blockchain very relevant and beneficial in recording every imported item within the jurisdiction of Indonesia until it reaches the end consumer. This increases accuracy in tracking every product, whether intentionally or unintentionally, thereby reducing the risk of imitation, especially for famous brands.

This can protect distributors due to the legal gap in Law Number 20 of 2016 concerning Marks and Geographical Indications (UU MIG).

The development of digital technology and the globalisation of trade also influence the direction of trademark law in Indonesia. Merck no longer functions merely as a sign used in conventional trade, but also as a digital identity that can be used across various electronic trade platforms and social media. This change demands a legal protection system that is more adaptive to the increasingly evolving dynamics of the digital economy.² The power of blockchain brings a very significant positive ripple effect and is capable of streamlining the process of international trade transactions [5].

Regarding this, every transaction conducted through distributors with the implementation of blockchain technology can reduce administrative costs and also minimise legal risks because the traceability of the traded products can verify their

¹Muhammad Ardiansyah, *Entrepreneur 5.0 Mengelola Bisnis di Era AI dan Otomatisasi*, Yogyakarta : K-Media, 2025, hlm 157

² Ujang Badru Jaman, *Brand Valuation dalam Perspektif Hukum Merek Indonesia*, Sukabumi : Arunika Aksa Karya, 2026, hlm 3.

authenticity and existence. Trade through blockchain technology can assist distributors with exclusive rights, thereby making it simple and feasible to prove the authenticity of brand attachments on imported goods. If we refer to Article 7, paragraph 1 of Law Number 7 of 2014 concerning trade, it states that "the distribution of goods traded domestically, either directly or indirectly to consumers, can be carried out through Distribution Business Actors".³

The presence of distributor business actors often makes them the party held legally accountable in trademark disputes, as they are involved with other parties who intentionally ride on the coattails of a well-known and economically valuable trademark by being the first to apply for its registration. If the application is accepted, the party that intentionally rides on the coattails of the well-known trademark becomes the party with exclusive rights to the registered trademark. Thus, there are two rights attached to different parties: the distributor party, which has exclusive rights as the marketer of the goods, and the exclusive rights to the registered trademark applied for by another party.

2 METHOD

In-depth exploration and examination related to the issues being studied, therefore, for legal research methods with a doctrinal approach that is normative in nature, or normative juridical legal research, or normative legal research, essentially constitute an activity that will examine aspects (to resolve the problems within) the internal of positive law. This is done as a consequence of the view that law is an autonomous institution that has no relationship with other social institutions.⁴ With this research focusing on the study of written law (law in books) and the principles of law applicable in national law. Regarding this matter, in understanding, interpreting, and analysing legal norms governing the use of Blockchain technology in the context of well-known trademarks related to the import trade, it provides legal protection to good-faith business actors.

³ Pasal 7 ayat 1 Undang-Undang Nomor 7 Tahun 2014 tentang Perdagangan.

⁴ Nanda Dwi Rizkia, Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)*, Bandung : Widina Media Utama, 2023, hlm 120

The approach used is a juridical normative approach, which is an approach that examines the law as a formally applicable written norm [6]. The main focus of this research lies in the analysis of legislation, particularly Law Number 20 of 2016 concerning Trademarks and Geographical Indications, along with implementing regulations and other relevant provisions. In addition, this research also examines legal doctrines and court rulings related to trademark infringement cases in digital transactions.

3 DISCUSSION

3.1 Blockchain in famous brands

Trade regulations that require imported goods to be strictly traded through distributors, so if done with blockchain technology, especially for well-known brands, it will certainly be carried out with a digital authentication mechanism based on the attachment of specific identities to each product produced by the manufacturer. With products that are imported and enter the jurisdiction of Indonesia, first passing through customs, the officials on duty can easily perform a real-time verification, thus being able to match a digitised identity that is applied in the blockchain system against the ownership of the registered trademark. With this implementation, it can be realised as the embodiment of the principle of good faith of legitimate business actors as stipulated in Article 7a No. 8 of 1999, thus being able and effective in suppressing the trade of imported goods that have the potential to infringe on famous brands and the existence of counterfeit goods.

The legal vacuum regarding distributor business actors has been bound by criminal sanctions contained in the MIG Law because it is based on the factor of trading. With that weakness, business operators who have exclusive rights in the import trade should be held legally accountable [7]. The connection to this matter is because the applicant registered with the Directorate of Trademarks and Geographical Indications is seen by law enforcement officials, so the first registered owner with exclusive rights can report to the law enforcement officials that there has been an infringement of their trademark by another party without authorisation.

Especially in the realm of civil matters through commercial courts, as stated in Article 83 of the MIG Law, which mentions that the registered trademark owner can file a lawsuit against another party who, without permission and without right, uses a trademark that is similar in its entirety or in part for similar goods or services. This is certainly aimed at stopping the trade and also seeking compensation for the losses suffered by the registered trademark owner. Thus, all actions related to the use of the trademark and the lawsuit can be filed by the registered trademark owner through the Commercial Court.

The actions taken by those who ride on the coattails of famous brands, with the advent of blockchain technology, allow for the decentralisation of intellectual property rights [8]. The original works of the creators and owners can remain protected, their works' usage can be recorded, and prevention and protection against misuse and piracy of their works can be ensured, so it can be said that this Blockchain can minimise potential violations and provide legal protection.⁵

One of the main challenges in intellectual property protection is proving the original ownership of a work and determining its creation time. In traditional systems, creators often have to rely on evidence in the form of physical or digital documents that are vulnerable to forgery and loss. However, with Blockchain, all information related to intellectual property rights can be permanently recorded in an immutable system, providing strong and verifiable proof of ownership at any time.⁶

The growth of imported goods in free trade has made brands a key factor in the era of modern trade and market-oriented economies, resulting in competition among producers and traders who race to offer various goods to consumers, leading to the emergence of brand dualism in society. A brand, in turn, signals to consumers about the source of the product and can protect both consumers and producers from competitors who attempt to offer seemingly identical products.⁷ In such circumstances, brands begin to play a role as distinguishing tools, both for consumers to recognise the identity, source, and origin of goods, and for brand producers who use the brand as a symbol and

⁵ Dodi Setiawan, dkk, *Blockchain*, Sumedang : Mega Press Nusantara, 2025, hlm 40

⁶ Yusra Fadhillah, dkk., *Teknologi Blockchain Dan Implementasinya*, Medan : Yayasan Kita Menulis, 2021, hlm 32

⁷ Julius Rizaldi, *Perlindungan Kemasan Produk Merek Terkenal Terhadap Persaingan Curang di Indonesia*, Jakarta : Alumni, 2024, hlm 2

representation of the company's good name, which must always be maintained in the eyes of consumers.

3.2 Legal protection for business actors in blockchain technology

Trading imported goods with the status of a well-known trademark is certainly a necessity and obligation for the state to ensure that distributor entrepreneurs are entitled to legal protection even if the trademark being traded has not yet been registered in the jurisdiction of Indonesia. Thus, a well-known trademark has special protection with a broader scope compared to the same trademark in its essence.

The enforcement of legal regulations on distributors must certainly receive genuine legal protection; thus, the presence of the theory proposed by M. Isnaeni posits that fundamentally the issue of "legal protection" can be distinguished from its source into two types: "external" legal protection and "internal" legal protection. The essence of internal legal protection, in principle, is that the legal protection in question is packaged by the parties themselves at the time of making the agreement, where, when packaging the contract clauses, both parties desire that their interests be accommodated based on mutual consent. Similarly, all types of risks are attempted to be mitigated through the documentation of clauses that are also packaged based on mutual agreement, so that with these clauses, the parties will obtain balanced legal protection based on their mutual consent. Such internal legal protection can only be realised by the parties when their legal positions are relatively equal, meaning the parties have relatively balanced bargaining power, so that based on the principle of freedom of contract, each party has the freedom to express their will according to their interests. This pattern is used as a foundation when the parties are drafting the clauses of the agreement they are working on, so that the legal protection for each party can be clearly realised through their initiative.⁸

External legal protection is a form of legal protection regulated by the government through regulations, with the aim of protecting the interests of parties in a weaker position [9]. The basic principle of this regulation is to uphold the principle of justice, where the

⁸ Yofiza Media, *Perlindungan Hukum terhadap Profesi Kedokteran yang Berkeadilan*, Depok : Rajawali Pers, 2024, hlm 41-42

legislation must not be discriminatory and must provide balanced and proportional legal protection to all parties from the beginning of the agreement's implementation. External legal protection governing cooperation agreements and channel transportation agreements within a company has not yet been detailed by laws and regulations.⁹

Adopting blockchain technology brings a paradigm shift, especially in the trade of well-known imported goods, due to the control over every transaction in terms of buying and selling within the legal jurisdiction of Indonesia. Therefore, the implementation of blockchain means that every transaction data is stored in a decentralised manner across the entire network, so the ownership of each product's serial number has a complete copy linked to the blockchain. Thus, in conducting control, it provides a significant impact on the parties directly involved in the import trade of well-known branded goods because it is based on the distributor's own data, thereby reducing dependence on central entities and increasing trust in any party involved in the business.

Another significant advantage of Blockchain transparency is in fraud prevention. Many industries, such as finance, trade, or insurance, often face fraud issues involving fake transactions or data manipulation [10]. Blockchain, with its ability to provide an immutable audit trail, enables companies to detect and prevent fraud earlier. Each transaction is recorded permanently and can be monitored by all parties involved, making it much more difficult to manipulate or alter data without detection. In the banking sector, for example, Blockchain can be used to ensure that every transaction is recorded accurately and can be traced back to its source, reducing the potential for fraud.

4 CONCLUSION

The use of blockchain technology in the trade of imported goods with famous brand status creates protection for business actors who act in good faith in conducting their business activities by being able to prove the origin of the goods, as well as the existence of the brand attached to the product. With this, when faced with legal disputes,

⁹ Putri Intan Ayuningutami, *Perlindungan Hukum Bagi Pihak Pemegang Hak Sub Lisensi Terhadap Wanprestasi Dalam Perjanjian Kerjasama Penyiaran (Studi Putusan Nomor 08/Haki.Hak Cipta/2015/PN.Niaga.Sby)*, *Jurnal Kajian Ilmu Hukum dan Politik* Volume.2, No.2 April 2024, hlm 313, <https://paperity.org/p/357697008/perlindungan-hukum-bagi-pihak-pemegang-hak-sub-lisensi-terhadap-wanprestasi-dalam>

it can facilitate law enforcement agencies and the judiciary in making fair decisions and protecting business actors. Brand and geographical indication regulations must include the use of blockchain technology to minimise the misuse of well-known brands and must be connected to regulations regarding distributors in trading imported goods within the jurisdiction of Indonesia, so that the presence of blockchain technology can accommodate the government and business actors in combating bad-faith entrepreneurs.

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