Optimizing Trademark Protection for Global Competitiveness: Comparative Study of Indonesia and ASEAN

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Abstract

This study examines the optimization of trademark protection in Indonesia within the context of global business competition and regional integration under the ASEAN Economic Community (AEC). As a key component of intellectual property rights (IPR), trademarks play a crucial role in supporting business competitiveness and consumer trust. However, ASEAN countries exhibit significant differences in their legal frameworks, enforcement mechanisms, and institutional capacities. This research applies a comparative legal approach to analyze the similarities and differences between Indonesia and other ASEAN member states. The findings reveal that while all ASEAN countries adhere to the TRIPS Agreement and adopt the first-to-file system, disparities persist in enforcement, administrative efficiency, and public awareness. Strengthening legal certainty and cross-border cooperation is essential to improve Indonesia's competitiveness and align its trademark regime with international best practices.

Keywords: *trademark protection, ASEAN, intellectual property rights, global competition.*

Introduction

A trademark is a crucial legal and economic instrument that supports business competitiveness at both national and global levels. It is pertinent to mention here that Paris Convention of World Intellectual Property Organization (WIPO) is the first International Treaty containing provisions about border measures of Intellectual Property (IP) enforcement.(Mukhtar et al., 2022) Based on the contents of the ASEAN Economic Community Blueprint related to Intellectual Property (IP), the AWGIPC developed the ASEAN Strategic Plan on Intellectual Property Rights 2004–2010, which was subsequently continued with the ASEAN Strategic Plan on Intellectual Property Rights 2011–2015.(Firmansyah & Budiansyah, n.d.) Based on the perspective of World Bank

Group, Intellectual Property Rights (IPR) grant inventors, artists, and institutions with some exclusive rights to produce, copy, distribute, and license goods and technologies within a nation(Manickam et al., n.d.). The growth of business potential that exists in IPR has an impact on the legal protection of IPR, especially for developed countries following the rise of the creative economy sector and the transformation of the digital economy(Rifqi et al., 2023). The swift speed of technological progress surpasses the establishment of lawful structures (Alubaidi, 2023).

The larger ASEAN countries with significant small-scale agricultural sectors were slower in adapting their laws to the standards of the TRIPS Agreement.(Delfiyanti, 2024)Within the framework of economic globalization, trademark protection has become increasingly vital to prevent piracy, counterfeiting, and unfair business practices. Economic globalization and ASEAN market integration through the ASEAN Economic Community (AEC) have created both opportunities and challenges for business actors. One of the most significant challenges is the protection of intellectual property rights, particularly trademarks, which serve as representations of identity, quality, and reputation. Trademarks are important for business establishments because they express the origin and quality of the companies, but it is not always easy to know and employ linguistic elements to craft good trademarks.(Djonda et al., 2022)The enforcement of IPR leads to market expansion effects on ASEAN's exports regardless of the level of economic development. This effect is most prevalent in high-income countries, followed by middle-income countries, and finally, low-income countries(Yoon Heo & Nguyen Khanh Doanh, 2015).

In the era of free trade and globalization, particularly under the framework of the ASEAN Economic Community (AEC), the protection of intellectual property rights (IPRs) has gained increasing importance. With globalisation orregionalism, and digitalisation of the economy, the nature of market and competition has also changed and evolved(Jusoh et al., 2040). Southeast Asian countries are famous for their rich, diverse, and unique cultures, which are commonly divided into two significant cultural roots: Malay and Indo-China, known as the Indosphere Culture(Putri et al., 2022). Economic integration among ASEAN countries aims to promote a single market and production base, yet it also exposes regional markets to challenges such as counterfeiting, piracy, and cross-border infringement. In general, domestic tort laws include a rule introducing fault-based liability with a broad scope of application, accompanied by several more specific rules which either modify the premises of fault-liability (espe-cially in the distribution of the burden of proof) or establish liability independently from fault (strict or risk-based liability.(Montagnani et al., 2024). These issues not only threaten domestic industries but also undermine investor confidence and regional competitiveness. Therefore, harmonization of trademark laws and enforcement mechanisms across ASEAN becomes a strategic necessity to foster a conducive business environment.

Although all ASEAN member states have ratified the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and enacted national trademark laws aligned with international standards, disparities remain in their implementation, administrative efficiency, and legal enforcement. Pressure on South East Asian developing countries shifted from the bilateral to the multilateral level with the conclusion of the WTO Agreement on Trade-related Intellectual Property Rights (TRIPS) of 1994(Antons & Blakeney, 2023a). For instance, Singapore and Malaysia have established advanced IP regimes that closely follow World Intellectual Property Organization (WIPO) norms, while other countries, including Indonesia, continue to face challenges in procedural delays, legal certainty, and public awareness regarding trademark protection.

Indonesia adopts a first-to-file system for trademark registration, which prioritizes those who register their trademarks first. This principle, while administratively straightforward, often leads to disputes involving bad-faith registrations and lack of prior-use recognition. Such weaknesses may affect Indonesia's ability to compete within the ASEAN framework and in the broader global market. Various technologies have emerged for presenting false and advantageous knowledge (in theform of judgments or statements) as true knowledge.(Malyukova & Rodionova, 2025) To address this issue, it is important to analyze how Indonesia's legal and institutional mechanisms compare with other ASEAN countries and to identify best practices that can be adapted to enhance national competitiveness. The various parts of digital goods, such as hardware and digital content, may be sold separately and produced by multipleparties.(Buiten et al., 2023) Therefore, this comparative study seeks to evaluate Indonesia's trademark protection regime within the ASEAN context. By examining regulatory frameworks, enforcement strategies, and institutional effectiveness among ASEAN member states, this paper aims to propose strategic recommendations for optimizing Indonesia's trademark protection. Strengthening legal protection for trademarks is not merely a juridical necessity but also an economic strategy to bolster national competitiveness, attract foreign investment, and empower domestic enterprises in the era of global competition. Recently, modeling has developed most dynamically in the activities of solving and investigating crimes.(Bertovskiy et al., 2022)

Problem Formulation

In an increasingly competitive global market, trademark protection serves as a strategic instrument to sustain innovation and business competitiveness. Despite over 40 years of cooperation among ASEAN member states (AMS) in the fields ofscience, technology and innovation (STI), little has been achieved in the establishment of a region-wide innovation policy.(Dobrzanski & Bobowski, 2020) With technology increasingly embodied in goods and services trade, the protection of intellectual property rights (IPR) had taken on major significance. However, Indonesia continues to face challenges in enforcement consistency, legal certainty, and harmonization with international norms. Compared with ASEAN peers such as Singapore and Malaysia, Indonesia's trademark system appears less adaptive to global market dynamics. This research therefore seeks to examine how Indonesia can optimize its trademark protection framework through comparative analysis with ASEAN countries to strengthen legal effectiveness and enhance competitiveness in the regional and global arena.

Methodology

This study adopts a comparative legal research method that combines normative and analytical approaches to examine trademark protection frameworks across ASEAN countries. Over the years, ASEAN states are involved in regional and worldwide IPR cooperation because collaboration with other countries and organizations will strengthen cross-border IPR protection and enforcement.(Manickam et al., n.d.)The research relies on primary legal materials, including national trademark laws, international conventions such as the TRIPS Agreement, and relevant WIPO instruments. Secondary sources comprise academic journals, official reports, and ASEAN intellectual property databases. The comparative analysis focuses on three key dimensions: the substantive scope of trademark protection, enforcement and dispute resolution mechanisms, and administrative as well as institutional effectiveness. Data are obtained through document analysis and legal comparison to identify similarities, differences, and best practices that can inform the optimization of Indonesia's trademark protection system.

Discussion and Result

1. Comparative Analysis of Trademark Protection in ASEAN

The comparative study shows that ASEAN countries exhibit significant differences in the development and enforcement of trademark law. While ASEAN has made positive strides towards better trademark rights protection, the initiatives are largely cooperative in nature, formulated in open-ended language, and left to each ASEAN MS to implemen.(Jusoh et al., 2040). The World Trade Organization is another significant organization in the creation of trademark regulations and definitions. The World Trade Institution (WTO) was created on January 1, 1995 as a United Nations-affiliated intergovernmental organization responsible for international trade agreements. It is a forum for negotiating, reaching consensus, and resolving disputes on the terms and conditions of trade and services among member states.(Munsrijan, n.d.) On the one hand, a large population could promote adivision of labor and allow more industries to reach efficient economies of scale. (Wattanapruttipaisan, 2009).

Singapore and Malaysia have adopted comprehensive frameworks that align closely with the TRIPS Agreement and WIPO standards, ensuring efficient registration, robust enforcement, and specialized IP dispute resolution mechanisms. Both WIPO and the WTO have been called upon to play a role in strengthening capacity to deal with the intellectual challenges of these policy debates.(*WIPO-WTO COLLOQUIUM PAPERS RESEARCH PAPERS FROM THE WIPO-WTO COLLOQUIUM FOR TEACHERS OF INTELLECTUAL PROPERTY LAW 2014*, 2017) That way IP laws and regimes in Asia could be developed with more Asian awareness and with empathy for each other's difference in nationalsituations, legal cultures and developmental needs.(Liu, 2023)

Based on the TRIPs Agreement, it is determined that the Paris Convention for the Protection of Industrial Property Rights (Paris Convention) is the minimum basis for trademark protection arrangements that need to be obeyed by member countries of the World Trade Organization (WTO) as stated in Articles 1 and 2 paragraph 3 and TRIPs, respectively which is reported as follows.(Narwadan et al., 2021) Meanwhile, Indonesia still faces procedural delays, limited digital integration, and insufficient inter-agency coordination, which hinder the overall effectiveness of trademark protection. These differences reflect varying levels of legal modernization and institutional commitment within ASEAN. Efforts to align national regulations with the WTO's TRIPS Agreement are evident across ASEAN countries.

Singapore stands out for having the most advanced and effective IPR enforcement framework, integrating IP law into legal education and establishing the IP Academy to promote research and training. Its comprehensive system—supported by WIPO's regional office—reflects a successful harmonization of TRIPS and the ASEAN Framework Agreement. Malaysia, Indonesia, and the Philippines have also demonstrated notable progress in strengthening their IPR protection systems. Malaysia established the national IP office (MyIPO) and enacted various digital-related laws, while Indonesia expanded IP administration through decentralization and created specialized Commercial Courts for IP disputes.

Thailand adopted a similar approach with dedicated IP courts. Considering that ASEAN Member States face the aforementioned issues and challenges in implementing AEC, in principle, the efforts towards legal coherence should be undertaken as soon as possible without having to wait for those divergences to be overcome.(Utomo, 2018) The comparative analysis of trademark frameworks among ASEAN economies reveals marked divergences in both the legislative architecture and the practical enforcement of rights. On one hand, jurisdictions such as Singapore and Malaysia exhibit relatively advanced and harmonised systems, aligning closely with international standards such as the TRIPS Agreement and World Intellectual Property Organization (WIPO) guidelines.

The framework in Indonesia continues to reflect structural and procedural constraints that hamper full realisation of effective trademark protection. These differences stem from varying levels of legal modernization, administrative capacity, institutional commitment, and resource allocation across ASEAN member states. Myanmar is a founder member of World Trade Organization (WTO). In this result, Myanmar does have an obligation to conform with international conventions relating to trade in which WTO is a member. In some future days, Myanmar will pass a Trade Mark Law. After that, the protection of passing off protection for well-known marks will be an important issue in trade and commerce.(Oo Hlaing, 2018) **A**

Vietnamese law defines, "A mark means any sign used to distinguish goods and/or services of different organizations or individuals."(Nam et al., 2022)

Singapore and Malaysia: Relatively Modern Frameworks

In Singapore, trademark protection is facilitated by a dual system: statutory registration via the Trademarks Act (Cap. 332) and the common law tort of "passing off" for unregistered marks. Enforcement in Singapore is multi-faceted: rights owners may pursue civil litigation, criminal prosecution, as well as customs seizure measures. Given that Singapore is a developed country, much of the focus should be on how its experience in galvanising innovation capabilities can serve as a positive example for the other ASEAN countries.(Rasiah, 2013). Registration procedures benefit from an integrated digital platform, and the reputation of Singapore as a sophisticated IP hub contributes to stronger institutional capacity.

In Malaysia, the evolution of the legal framework has been significant. The newly enacted Trademarks Act 2019 (Act 815) strengthens protections for "well-known" marks, including those not used or registered in Malaysia, and clearly codifies criteria for recognition of such marks. The intellectual property corporation of Malaysia is established under the intellectual property corporation of Malaysia Act 2002, for the purpose of the implementationof the intellectual property rights in Malaysia.(Mukhtar et al., 2017) Goods are often asso-ciated with specific qualities, reputations, or distinctive features closely tied to their geograph-ical origin.(Stoll et al., 2009) The availability of injunctions and invalidation procedures, including in relation to well-known marks, shows Malaysia's alignment with the international scholarly standard. Both countries also participate in regional harmonisation initiatives — for example, the ASEAN Common Guidelines for the Substantive Examination of Trademarks provide a reference point for procedures across member states(*ASEAN-IPR-Enforcement-Handbook_with-ISBN-and-Logo-Final*, n.d.).

Thailand and the Philippines: Relatively Modern Frameworks

The Bangkok Declaration, established in 1967, is the most important instrument for ASEAN.(Putri et al., 2022). In Thailand, although the provision regarding non-use cancellation proceeding has been provided under Section 63 of Thai Trademark Act B.E. 2534 (1991).(Nakarat, n.d.) A major problem arising out of e-commerce worldwide, In Thailand, the term "Distinctiveness" is not defined directly in Section 4 of the TA. However, the first paragraph of Section 7 provides that "A distinctive trademark is a trademark which enables the public or users to distinguish the goods, with which the trademark is used, from other goods."(Ratnatilaka & Bhuket, n.d.) including Thailand, is the one relating to domain name registration, especially, the problem of cyber-squatters who take other person's name, trademark, service mark or trade name to register in its own name. Therefore, this section discusses the domain name problems in Thailand.(Yin et al., 2016)

Within the ASEAN region, Thailand and the Philippines have developed relatively modern frameworks for trademark protection that reflect their commitment to aligning national laws with international standards and strengthening competitiveness in the global market. Both countries have adopted progressive reforms that enhance the efficiency of registration systems, improve legal certainty, and provide stronger enforcement mechanisms against infringement. These developments position Thailand and the Philippines as examples of emerging ASEAN economies that effectively balance legal modernization with economic competitiveness. In Thailand, trademark protection is primarily governed by the Trademark Act B.E. 2534 (1991), as amended in 2016. The amendment modernized Thailand's IP regime by introducing multi-class applications, electronic filing, and the recognition of sound **marks**, which align with global practices under the Madrid Protocol, to which Thailand acceded in 2017.

The Department of Intellectual Property (DIP) serves as the central authority responsible for registration and enforcement, supported by specialized IP and International Trade Courts that ensure timely dispute resolution. The Thai system emphasizes administrative efficiency and transparency, with initiatives aimed at reducing backlog and promoting online accessibility for applicants. Furthermore, the country's commitment to IP education and enforcement cooperation with customs and police authorities contributes to a stronger deterrence effect against counterfeiting and piracy. Similarly, the Philippines has established a robust and transparent trademark framework under the Intellectual Property Code of 1997 (Republic Act No. 8293), administered by the Intellectual Property Office of the Philippines (IPOPHL)(Luo, 2025)

The IPOPHL operates with a strong mandate to foster innovation and competitiveness by promoting awareness and accessibility in intellectual property protection. It implements a first-to-file system, consistent with international norms, but strengthens it through comprehensive examination procedures that include opposition, cancellation, and appeal mechanisms. The trademark system in the Philippines prohibits the registration of immoral, deceptive, or scandalous matter, as well as the use of national symbols like the flag or coat of arms (Luo, 2025).

The Philippines has also made notable progress in digitizing IP processes, allowing for online filing, monitoring, and publication, which significantly enhances procedural efficiency. In terms of enforcement, the Philippines has developed inter-agency coordination through the National Committee on Intellectual Property Rights (NCIPR), which involves law enforcement agencies in combating IP violations across borders. Compared to Indonesia, the frameworks of Thailand and the Philippines demonstrate a higher degree of modernization and institutional readiness to face the challenges of global trade. Both countries show how administrative innovation, digital integration, and inter-agency collaboration can strengthen trademark protection and promote investor confidence. Their experiences illustrate that the modernization of trademark systems not only serves legal certainty but also functions as an economic strategy to enhance brand competitiveness in international markets. Although the legal framework already meets the Framework Agreement, Malaysia, Indonesia, and the Philippine are still lack in the law enforcement.(Nurika & Yekti, 2019)

For Indonesia, learning from the experiences of Thailand and the Philippines offers valuable insights into how procedural reforms, digital transformation, and coordinated enforcement can optimize trademark protection. Strengthening institutional capacity and harmonizing legal provisions with regional standards are critical steps toward achieving a more competitive and resilient trademark system within the ASEAN framework. Ultimately, adopting elements of these modern frameworks could position Indonesia as a more attractive destination for trade and investment, aligning with the broader goal of enhancing global competitiveness through optimized trademark protection. Several ASEAN states, such as Singapore and

Malaysia, have achieved advanced IPR protection regimes in line with TRIPS and WIPO standards, others remain constrained by weak enforcement mechanisms and limited institutional capacity(Kurniawan, 2025). Within the ASEAN region, several member states have adopted relatively modern frameworks for trademark protection, reflecting their commitment to harmonizing national laws with international standards and enhancing global competitiveness. Among these, Vietnam and Brunei Darussalam stand out for their substantial legal and institutional reforms aimed at strengthening the protection and enforcement of intellectual property rights.

In Vietnam, the modernization of the intellectual property regime is embodied in the Law on Intellectual Property (No. 50/2005/QH11), which has undergone multiple revisions, most recently in 2022, to comply with the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the Regional Comprehensive Economic Partnership (RCEP). These amendments reflect Vietnam's proactive stance in aligning its legal structure with global IP norms, such as those under the TRIPS Agreement. The updated law expands protection to collective marks, certification marks, and geographical indications, while also strengthening administrative and judicial enforcement mechanisms. Moreover, Vietnam has improved the transparency and efficiency of its trademark registration system through digitalization and its participation in the Madrid Protocol, allowing for international trademark filings. These developments underscore Vietnam's strategic effort to build a robust legal environment that fosters innovation and economic growth.

Similarly, Brunei Darussalam has implemented a comprehensive modernization of its trademark law through the Trade Marks Act 2017, which came into full effect in 2019. This legislation introduced a streamlined, fully electronic registration process, thereby reducing bureaucratic barriers and increasing accessibility for both domestic and foreign applicants. The Act also provides protection for non-traditional marks, including shapes, colors, and sounds, in line with contemporary international practices. By joining the Madrid Protocol in 2017, Brunei has strengthened its integration into the global IP system and enhanced the ability of local businesses to secure international brand recognition. Despite its small market size, Brunei's progressive legal infrastructure demonstrates a clear intent to foster innovation, attract foreign investment, and ensure that IP rights serve as tools for economic diversification beyond the oil and gas sector.

The experiences of Vietnam and Brunei illustrate how modern trademark frameworks can serve as a foundation for economic competitiveness and global market participation. Their reforms not only promote business certainty and investor confidence but also demonstrate that smaller or developing economies within ASEAN can achieve substantial progress through strategic legal harmonization. Trade-related Intellectual Property Rights (TRIPS) of 1994. The subsequent period of fundamental change in the intellectual property systems of the region coincided with the expansion of ASEAN, which was joined by new members Vietnam (1995), Laos, Myanmar (1998) and Cambodia (1999).(Antons & Blakeney, 2023b) For Indonesia, these cases provide important lessons in optimizing trademark protection — particularly in terms of streamlining administrative systems, adopting comprehensive enforcement measures, and expanding protection for non-traditional marks to enhance the country's readiness for global competition.

Reflection on Legal Modernisation and Institutional Commitment

The differences across ASEAN reflect deeper structural dynamics. Countries like Singapore and Malaysia, with smaller size, higher levels of economic development, and stronger institutional capacity, have been able to invest in modernising their IP regimes and aligning them with global standards. This includes embracing digitalisation, establishing specialised IP enforcement mechanisms, and adopting forward-looking legislative reforms (e.g., well-known marks, non-traditional marks, defence registration).

By contrast, Indonesia — with its geographic size, complexity, and multiple competing policy priorities — faces more significant challenges in updating its IP regime and delivering enforcement uniformly. The fact that the ASEAN system continues to emphasize national filings (rather than a single regional regime) further highlights that institutional commitment at the national level remains critical. In effect, what we observe is a gradient of institutional "readiness": nations that have proactively reformed, invested, and built digital-institutional capacity are better placed to deliver effective trademark enforcement. Nations still grappling with procedural bottlenecks, low digitalisation and weaker coordination lag behind — not for lack of legal texts per se, but for lack of full institutionalisation and operationalisation.

Implications for Business, Innovation and Regional Integration

From a business perspective, these divergences matter. For brand-owners and investors, the ease of obtaining and enforcing trademark rights in Singapore or Malaysia presents lower risk compared to jurisdictions where delays, uncertain enforcement and inter-agency fragmentation persist. The more advanced regimes thus enhance brand-value protection, facilitate licensing, attract inward FDI, and bolster innovation ecosystems. For regional trade and integration within the ASEAN Secretariat framework, the unevenness poses a challenge. While harmonisation efforts (such as the ASEAN Common Guidelines) exist, the lack of uniform implementation means that a brand owner cannot assume identical protection across the region. Each jurisdiction still requires separate filings and carries distinct risk profiles. Thus, the varying levels of legal modernisation and institutional commitment become a competitive differentiator: nations that modernise IP regimes effectively enhance their attractiveness for innovation-based enterprises; those that lag risk being perceived as higher-risk jurisdictions for intangible asset protection.

2. Implications for Strengthening Indonesia's Trademark Framework

The findings highlight that optimizing trademark protection in Indonesia requires a multidimensional approach. Legal reforms should focus on enhancing procedural efficiency, improving coordination between the Directorate General of Intellectual Property (DGIP) and judicial bodies, and strengthening human resources in IP enforcement. Drawing lessons from ASEAN best practices, Indonesia could benefit from digitalized registration systems, transparent enforcement mechanisms, and regional collaboration to foster an innovation-driven and competitive business environment. Inaddition, enforcing Law No. 20/2016 on Trademarks and Geographical Indications can protect the intellectual property of MSMEs.(Jaman, 2024)

The existence of legal protection for trademark owners aims to grant them exclusive rights, ensuring that no other party may use identical or similar marks for the same or similar goods. According to Article 1 paragraph (1) of Law No. 20 of 2016 on Marks and Geographical Indications, a mark is defined as *any sign that can be graphically represented*—including drawings, logos, names, words, letters, numerals, color arrangements, two- or three-dimensional shapes, sounds, holograms, or combinations thereof—used to distinguish goods and/or services produced by individuals or legal entities in trade. From this definition, trademarks can be categorized into traditional trademarks, such as logos, words, letters, numbers, and color compositions in two-dimensional form, and non-traditional trademarks, which include sounds, three-dimensional shapes, and holograms.

Furthermore, for a mark to be recognized as a well-known mark, it must possess a strong distinctive character that differentiates one company's goods or services from those of others. In other words, the mark must have a unique feature that sets it apart in commerce. Under Spanish law, trademarks that are officially acknowledged as well-known receive stronger legal protection, as they are more susceptible to counterfeiting or unauthorized use by irresponsible parties seeking to profit from their established reputation. Such imitation of well-known marks can significantly affect trade by misleading consumers and exploiting the trust built by the original brand.

Indonesia: Structural and Procedural Challenges

In contrast, Indonesia's system still exhibits notable impediments. The registration process under the Indonesian Trademark Law (Law No. 20 of 2016) and its implementing regulations requires a formalism check, publication, and substantive examination by the Directorate General of Intellectual Property. While the law provides for criminal sanctions (imprisonment and fines) for infringers, enforcement remains challenged by procedural delays, coordination issues and digital integration gaps. One recent development is that the Indonesian Constitutional Court decision extended the non-use cancellation period from three to five years.

Key bottlenecks include:

1. Procedural delays: The timeline from filing to registration still involves multiple stages and susceptible to backlog.
2. Limited digital integration: Compared to Singapore and Malaysia, Indonesia's digital registration, tracking and enforcement mechanisms lag.
3. Inter-agency coordination: Enforcement against counterfeiting often requires collaboration between IP office, customs, judiciary and police — coordination remains inconsistent.
4. Territorial limitations: Trademark rights in Indonesia, as in all jurisdictions, are territorially defined; yet the first-to-file regime and absence of strong recognition for unregistered marks (compared to Singapore's passing off system) constrain protection.

   These structural and institutional constraints reduce the overall effectiveness of trademark protection in Indonesia. Rights holders face greater uncertainty, and the deterrent value of enforcement may be weaker in practice.

Conclusion

This research concludes that optimizing trademark protection is a strategic necessity for enhancing Indonesia's global competitiveness within the ASEAN framework. The comparative analysis demonstrates that while ASEAN countries have collectively aligned their legal systems with the TRIPS Agreement, disparities remain in terms of enforcement, institutional capacity, and procedural efficiency. Countries such as Singapore, Malaysia, Thailand, and the Philippines have developed modern and harmonized systems supported by digitalization, specialized courts, and inter-agency collaboration, whereas Indonesia continues to face structural and procedural challenges that limit the effectiveness of its trademark protection regime.

The findings underscore that strengthening Indonesia's trademark protection requires more than legislative conformity—it demands institutional modernization, digital transformation, and stronger regional cooperation. By adopting best practices from ASEAN peers, Indonesia can enhance legal certainty, accelerate registration processes, and improve enforcement mechanisms. Such reforms will not only secure fair competition and investor confidence but also stimulate innovation and support the growth of domestic industries. Ultimately, a robust and efficient trademark system will position Indonesia to better integrate into regional and global markets, transforming intellectual property protection into a key driver of sustainable economic competitiveness.

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