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Analysis of Substantive Similarities and Bad Faith in Polo by Ralph Lauren Brand Disputes in Indonesia

***Wayan Surya Subrata**
Universitas Indonesia, Indonesia

Henny Marlyna
Universitas Indonesia, Indonesia

***Corresponding author:**
Wayan Surya Subrata, Universitas Indonesia, Indonesia. ✉wayan.surya@ui.ac.id

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Abstract

Background: This study examines the trademark dispute involving the well-known international brand "Polo by Ralph Lauren" in Indonesia, focusing on the long-standing conflict between Mohindar H.B. and PT. Manggala Putra Perkasa (MPP). This case is important because both domestic parties claim rights to a well-known foreign trademark despite having no affiliation with the rightful owner, Ralph Lauren Corp. (PRL USA Holdings, Inc.).
Objective: This study aims to analyze the legal status of trademark registrations using the name "Polo by Ralph Lauren" in Indonesia, assess the substantive similarities among disputed trademarks, and identify indications of bad-faith registration under Indonesian trademark law.
Methods: This study uses a normative juridical approach by examining three court decisions: No. 84/Pdt.Sus-HKI/Brands/2022, No. 365 K/Pdt.Sus-HKI/2023, and No. 10 PK/Pdt.Sus-HKI/2024. The study also reviews records from the Indonesian Intellectual Property Database (*Pangkalan Data Kekayaan Intelektual* or PDKI) and the United States Patent and Trademark Office (USPTO).
Results: The findings show that seven entities registered trademarks containing the name "Polo by Ralph Lauren" in Indonesia, none affiliated with Ralph Lauren Corp. Of the six disputed marks, five exhibited substantial similarities based on visual, phonetic, and conceptual aspects, whereas one mark depicting a standalone horse did not. Both parties demonstrated indications of bad-faith registration under Article 21(3) and Article 21(2)(a).
Conclusion: The study concludes that the Directorate General of Intellectual Property's (DJKI) substantive examination mechanism remains insufficient to prevent registrations exploiting well-known foreign brands. This deficiency highlights the need for stronger trademark database management and notification protocols.

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INTRODUCTION

A trademark is the commercial identity of a product that allows consumers to distinguish goods or services originating from one source from those originating from another (Fishman, 2022; Ossai, 2025; Zaichkowsky, 2020). Based on Article 1(1) of Indonesian Law No. 20 of 2016 concerning Trademarks and Geographical Indications (UUMIG), a trademark includes any graphic mark, including images, logos, names, words, letters, numbers, and color arrangements in two or three dimensions. Beyond its identification function, a trademark embodies the reputation and goodwill built by its owner over time. A well-known trademark that has achieved a high level of recognition among the relevant public, often through substantial investments in marketing and quality assurance across different countries, is therefore a highly valuable commercial asset and an attractive target for unauthorized exploitation. According to the WIPO World Intellectual

Property Indicators 2024, the number of trademark applications filed globally exceeded 15.2 million in 2023, with a significant portion involving disputes over well-known marks (WIPO, 2024). The legal impacts of trademark infringement on brand owners include loss of market exclusivity, reputational damage, and costly litigation; the economic impacts on consumers include exposure to goods of unknown quality misrepresented under internationally recognized brand names.

Free-riding, the practice of registering or using a trademark that substantially resembles a well-known trademark to benefit from its pre-established reputation without permission, is one of the most significant threats to trademark protection in both developed and developing countries. Indonesia's constitutive system, based on Article 3 of the UUMIG, under which exclusive rights are acquired upon registration rather than use, creates both legal certainty and opportunities for opportunistic behavior: entities that are aware of well-known foreign trademarks that have not yet been registered in Indonesia can seek to claim such rights domestically by being the first to file. This vulnerability is exacerbated when the substantive examination mechanism at the Directorate General of Intellectual Property (DJKI) does not have access to a comprehensive and up-to-date database of internationally renowned trademarks, allowing applications that should be rejected under Article 21(1)(b) and (c) of the UUMIG to proceed to registration.

The "Polo by Ralph Lauren" dispute in Indonesia is a paradigmatic illustration of this dynamic. The brand was created by American designer Ralph Lauren in 1972, marked by the distinctive equestrian polo player logo, and registered with the USPTO (registration number 978166, Class 25, February 5, 1974). In 1982, when Mohindar H.B. first applied for registration of "POLOBYRALPHLAUREN" and polo player equipment in Indonesia through a purported transfer from Jon Whiteley, the American brand had already achieved widespread international recognition. In 1992, when PT. Manggala Putra Perkasa (MPP) sought to acquire the same brand through a notarized deed from the same Jon Whiteley, the brand had been commercially successful for two decades and had received the Council of Fashion Designers of America (CFDA) award in 1992. Neither Mohindar H.B. nor MPP has a legal, contractual, or commercial affiliation with Ralph Lauren Corp., the legitimate international owner. Their dispute was resolved through three court decisions spanning 2022 to 2024, following three decades of litigation and threatening the livelihoods of approximately 480 MPP employees across 80 retail outlets and extensive online sales operations (*Mahkamah Agung*, *Putusan* No. 10 PK/Pdt.Sus-HKI/2024).

This study addresses three specific research questions that have not been comprehensively examined in existing Indonesian trademark scholarship: (1) How many trademark-registered entities incorporate "Polo by Ralph Lauren" in Indonesia, and what is their legal relationship with the international owner? (2) Among the six trademarks at issue in the litigation *Mohindar H.B. v. MPP*, which trademarks demonstrate substantial and/or overall similarity under the three-aspect framework of the DJKI Technical Guidelines for the Examination of Substantive Trademarks (visual, phonetic, and conceptual), and do the court's findings withstand rigorous doctrinal analysis? (3) Can the registration behavior of Mohindar H.B. and MPP be classified as bad faith under Article 21(3) of the UUMIG? Existing scholarship on Indonesian trademark law has discussed the protection of well-known trademarks in general Maulana (2019), Harahap (1996) and Purwaka (2018) and the principle of bad faith in the abstract Abdillah (2019), but these studies address substantive similarity and bad faith as separate, independent doctrines rather than as interrelated grounds that must be evaluated simultaneously in a multi-party trademark dispute. This distinction is not merely formal: the legal thresholds, evidentiary requirements, and procedural consequences of similarity-based and bad-faith-based cancellation differ materially under Articles 76–77 of the UUMIG. No prior study has subjected this particular multi-party dispute to a systematic mark-by-mark doctrinal analysis integrating both similarity and bad faith assessments within a single analytical framework. The novelty of this study lies precisely in this methodological integration, which provides a replicable doctrinal framework for the analysis of complex multi-party trademark disputes involving well-known foreign brands under Indonesian law.

The importance of well-known trademark protection in Indonesia's intellectual property landscape can be understood against the background of Indonesia's commitment as a signatory to various international intellectual property agreements. Indonesia ratified the Paris Convention for the Protection of Industrial Property through Presidential Decree No. 15 of 1997 and the TRIPS Agreement through Law No. 7 of 1994. Both instruments require Indonesia to provide special protection for well-known trademarks, including protection against the registration of confusingly similar trademarks even when the well-known trademarks have not been separately registered in Indonesia. The UUMIG, particularly Article 21(1)(b) and (c), implements this obligation. The key question addressed by this study is whether formal implementation is matched by adequate operational mechanisms, particularly substantive examination procedures within the DJKI, to make these safeguards effective in practice. The implications for national policy are equally significant: the inadequacy of current substantive examination procedures creates a regulatory gap that undermines Indonesia's formal compliance with its TRIPS obligations, signaling to foreign brand owners that domestic registration offers limited preventive protection, a concern that directly affects investment decisions and Indonesia's attractiveness as a market for international fashion and luxury brands.

The case of *Mohindar H.B. v. PT. Manggala Putra Perkasa* also raises important questions about the role of the court in protecting the rights of well-known trademark owners when the legal owner is not a party to the litigation. Indonesian procedural law generally adheres to the principle of *ultra petita*, the court decides only what the parties have requested and must not grant relief that goes beyond the scope of the claims. This principle, while important to procedural fairness, can result in a court decision that technically resolves a dispute between two parties without addressing the broader legal landscape. In cases involving well-known foreign trademarks, the formalistic application of *ultra petita* can prevent the court from interfering with the rights of the rightful owners, resulting in a decision that, while internally consistent with the arguments of the parties, does not reflect the complete picture of the law. The study argues that the DJKI, as a public institution responsible for maintaining the integrity of the trademark register and as a regular party to trademark litigation in its capacity as a "co-defendant," bears a responsibility to raise these broader considerations in court proceedings, even when the primary party does not.

METHOD

This study adopted a normative juridical (doctrinal) research methodology, which focused on the systematic analysis of applicable legal rules, principles, and judicial decisions relevant to the research problem (Marzuki, 2017). Specifically, this study employed four intersecting legal approaches: (a) the statute approach, which examined the relevant legislative provisions, including Law No. 20 of 2016 on Trademarks and Geographical Indications and the DJKI Technical Guidelines for Substantive Trademark Examination; (b) the case approach, which analyzed the reasoning and legal findings of Court Decision No. 84/Pdt.Sus-HKI/Merek/2022/PN Niaga Jkt.Pst, Cassation Decision No. 365 K/Pdt.Sus-HKI/2023, and Review Decision No. 10 PK/Pdt.Sus-HKI/2024; (c) the conceptual approach, which drew on trademark law theory regarding substantive similarity, bad-faith registration, and the protection of well-known marks to develop the analytical framework; and (d) the comparative approach, which situated Indonesian law within the broader international trademark framework under TRIPS, the Paris Convention, and comparative practice in leading trademark jurisdictions. The three court decisions were selected as the primary research objects because they constituted the complete procedural history of the *Mohindar H.B. v. PT. Manggala Putra Perkasa* dispute (encompassing the first instance, cassation, and judicial review stages) and therefore offered the fullest available judicial record of the evidentiary and legal arguments advanced by both parties over three decades of litigation.

Data collection employed a library research technique drawing on two categories of legal materials. Primary legal materials consisted of statutory instruments (Law No. 20 of 2016 and Law No. 7 of 1994), ministerial regulations (Permenkumham No. 67 of 2016, as amended), the three court decisions forming the litigation record, and official trademark registration data from the Indonesian Intellectual Property Database (PDKI, accessed May–June 2025) and the USPTO Trademark Status and Document Retrieval system (TSDR, accessed June 2025). Secondary legal materials comprised peer-reviewed academic publications, legal commentaries, and institutional reports, including the WIPO World Intellectual Property Indicators and the DJKI Technical

Guidelines for Substantive Trademark Examination (2020).

Data analysis followed a qualitative interpretive method in which each legal norm was applied deductively to the documented facts of the case, drawing inferences about the legal status of the disputed trademark registrations and the parties' conduct under Indonesian trademark law.

RESULTS AND DISCUSSION

Results

This section presents findings in four integrated analytical segments: (A) identification and profiling of all entities that registered trademarks incorporating "Polo by Ralph Lauren" in Indonesia; (B) an examination of the relationship between those entities and Ralph Lauren Corp., the lawful international owner; (C) a mark-by-mark analysis of the substantive similarity of the six contested marks at issue in the litigation; and (D) an evaluation of indicators of bad faith in the registration conduct of both parties. The principal findings may be summarized as follows: seven entities registered trademarks incorporating "Polo by Ralph Lauren" in Indonesia between 1982 and 2024, none of which has a documented legal relationship with Ralph Lauren Corp.; five of the six disputed MPP marks demonstrate substantive or overall similarity to the Mohindar H.B. reference mark under a three-aspect analysis; and the registration conduct of both parties satisfies the indicators of bad faith under Article 21(3) of the UUMIG. These findings are presented and analyzed in an integrated manner consistent with the normative juridical methodology employed in this study.

Before presenting the findings, it is important to note several contextual factors that inform the analytical approach. First, the PDKI database, although an authoritative source for Indonesian trademark registration data, has known limitations in search functionality and the completeness of historical records: some older registrations from the 1980s and early 1990s may not be fully digitized, and images of older trademarks may not be available. If image data are unavailable, as noted in the analysis, the author relies on the textual descriptions of the brand elements provided in the registration records and court decisions. Second, although a court decision provides a substantial factual record, it does not necessarily contain a complete reproduction of the mark in question; where necessary, the author supplements the description contained in the court document with information obtained from the relevant PDKI registration profile. Third, USPTO records are consulted exclusively for the purpose of establishing the history of international registration and ownership of the "Polo by Ralph Lauren" trademark. The analysis of Indonesian trademark rights is conducted entirely under Indonesian law and does not rely on or assert the extraterritorial application of U.S. trademark law.

The analytical approach integrates empirical findings, such as trademark registration data and judicial reasoning, with normative legal analysis, including the assessment of substantive similarity and the evaluation of bad faith, within each of the four segments below. This integrated structure is appropriate for normative juridical research, in which the legally significant "results" consist of legal inferences drawn from the application of statutory criteria to documented facts, rather than raw data requiring separate subsequent interpretation.

Entities Registering Trademarks Incorporating "Polo by Ralph Lauren" in Indonesia

A systematic review of the PDKI database identified seven different entities that have filed or maintained trademark registrations incorporating the name "Polo by Ralph Lauren" in Indonesia. These entities cover the period from 1982 to 2024 and involve applications in various trademark classes, with a dominant concentration in Class 25 (clothing, footwear, and headgear). The prevalence of Class 25 registrations is consistent with the international brand identity of "Polo by Ralph Lauren," which is particularly associated with polo shirts and fashion apparel, and reflects the commercial appeal of the brand to domestic entrepreneurs seeking to benefit from its well-established reputation in the Indonesian consumer market.

Table 1

Entities Registering Trademarks That Include "Polo by Ralph Lauren" in the PDKI Database (Source:

PDKI, accessed May–June 2025)

No	Entities	Main Registration No.	Date of Registration	Classes	Status
1	Avoid H.B.	IDM001148848 IDM001148849	From 2023	25, 35	Listed
2	PT. Manggala Putra Perkasa (MPP)	IDM000099368 (6 registrations)	2006–2018	25	Cancelled
3	Ralph Lauren Indonesia Polo (PRLI)	IDM000177954 (8 registrations)	2008–2023	25	Cancelled/Rejected
4	Primajaya Clothes Deserve	—	July 2023	25	Recalled
5	Fong Felix	551746 (4 registrations)	2003–2005	25, 16, 35	Expired/Rejected
6	Fahmi Bara	IDM000635114	Sep 2018	25	Cancelled
7	Polo/Lauren Company (legal owner)	IDM000102437 (14 registrations)	1996–2024	9,14,16,20,21,24,25,27,35	Active registered

The data in Table 1 yield four key findings. First, the volume of entities—seven, spanning four decades—demonstrates the persistent and systemic failure of preventive substantive examination at the DJKI. The provisions of the UUMIG on the protection of well-known marks (Article 21(1)(b) and (c)) and the prohibition against registering trademarks that incorporate the names of well-known persons without consent (Article 21(2)(a)) should lead to the rejection of applications by entities other than The Polo/Lauren Company at the substantive examination stage. That some applications were accepted and registered is evidence of an examination mechanism operating without adequate access to internationally renowned trademark data. This finding is consistent with the theoretical framework of trademark law, which characterizes the first-to-file system as particularly vulnerable to opportunistic registration behavior—what Calboli (2018) describe as the "registration gap" between the global recognition of a brand and its formal protection in individual jurisdictions. The empirical pattern identified here provides concrete support for that theoretical proposition in the Indonesian context.

Second, the registration pattern reflects a clear opportunistic strategy: the entities sought to register the brand in Class 25, the core class for the Ralph Lauren brand, within a first-to-file system in which initial registration grants exclusive rights. The existence of competing applications from several unaffiliated parties for identical or substantially similar marks over a span of 40 years (1982–2024) not only indicates individual bad faith but also reveals a broader structural problem: the DJKI's database and examination protocols are insufficient to prevent the accumulation of conflicting registrations.

The PRLI registration history (PT. Polo Ralph Lauren Indonesia) deserves special attention. As a wholly owned MPP affiliate, PRLI registers "POLO BY RALPH LAUREN" and related marks (IDM000177954, IDM000635112) specifically for online retail channels on major e-commerce platforms, including Tokopedia and Shopee. The existence of a specialized digital retail affiliate bearing a name strikingly similar to that of an authentic international brand reinforces the risk of consumer confusion in Indonesia's rapidly growing digital market. Research on digital marketplace trademark infringement has documented that consumer confusion rates increase significantly when unauthorized marks appear on trusted domestic e-commerce platforms, as consumers routinely rely on platform authentication mechanisms as proxies for brand legitimacy (Calboli & Ginsburg, 2018). Indonesian consumers who encounter "Polo Ralph Lauren Indonesia" on trusted domestic e-commerce platforms have reasonable grounds to associate the entity with the original American brand. The relevance of the OJK in this context, however, requires qualification. The OJK's regulatory mandate principally concerns financial services, including digital financial services, rather than general e-commerce marketplace integrity. The regulatory framework governing electronic systems and transactions, including Government Regulation No. 71 of 2019 on the Organization of Electronic Systems and Transactions, falls principally within the regulatory domain of the ministry responsible for communications and digital affairs. Accordingly, any proposed brand-verification requirements for marketplace operators should be framed within the broader electronic-systems regulatory framework rather than attributed generally to the OJK.

Registration efforts by smaller entities—PT. Primajaya Pantes Garment (whose application was withdrawn in 2023), Fong Felix (whose application expired or was rejected), and Fahmi Bara (whose mark was cancelled in 2022 under PRLI affiliation)—further illustrate the systemic nature of the issue. The application filed by PT. Primajaya Pantes Garment in July 2023, amid litigation between Mohindar H.B. and MPP, shows awareness of ongoing disputes and an attempt to opportunistically position itself to acquire brand rights if the existing conflict created an opening. This behavior underscores the need for the DJKI not only to maintain a database of well-known brands but also to implement real-time litigation monitoring: when disputes involving a particular trademark are pending before a court, new applications for the same or substantially similar trademarks should be flagged for heightened scrutiny rather than being processed through routine examination channels.

Collectively, the landscape of the seven entities examined in this study reveals a trademark ecosystem that has enabled multiple parties to build commercial identities, consumer recognition, and commercial infrastructure on the basis of unauthorized claims to well-known foreign brands. The economic distortions this creates are significant: Indonesian consumers who purchase products labeled “Polo by Ralph Lauren” from one of these domestic entities receive goods without the quality assurance of the original brand, while domestic entities benefit from the reputation premium associated with the Ralph Lauren name. This misallocation of trademark value constitutes both a consumer-protection failure and an economic distortion that ultimately undermines Indonesia’s competitiveness as a destination for authentic international brand investment.

Third, The Polo/Lauren Company is completely separate from the other six entities. Its registration history dates back to 1996, with some current active registrations across nine classes (9, 14, 16, 20, 21, 24, 25, 27, and 35) and extended protection through 2035 in some classes, consistent with the systematic multi-class registration strategy of a global fashion brand seeking to preserve and enforce its trademark rights. The active registrations of The Polo/Lauren Company represent a legitimate channel through which Ralph Lauren Corp. asserts its trademark rights in Indonesia, belatedly but unmistakably.

Fourth, the remaining six entities (Mohindar H.B., MPP, PRLI, PT. Primajaya Pantes Garment, Fong Felix, and Fahmi Bara) collectively hold the cancelled, expired, rejected, or withdrawn registrations, and none demonstrates the breadth of ongoing multi-class registration activity that would characterize the original owner of a global fashion trademark. The common thread among all six is the use of the name “Polo by Ralph Lauren” (or a closely related element) in Class 25, with no commercial or contractual relationship traceable to Ralph Lauren Corp.

There is no legal relationship between the parties to the dispute and Ralph Lauren Corp.

Ralph Lauren Corp., through its wholly owned subsidiary PRL USA Holdings, Inc. (Delaware, USA), is the lawful registered owner of the trademark “Polo by Ralph Lauren” in the United States (USPTO No. 978166, Class 25, registered February 5, 1974) and holds registrations in various jurisdictions around the world. The brand was created in 1972 by designer Ralph Lauren, who introduced the iconic equestrian polo-player logo and built a globally recognized fashion empire. The mark reached a milestone of official recognition when Ralph Lauren was selected as the United States Olympic team’s official outfitter for the 2024 Paris Olympics, a position the company has held since 2008, cementing its status as one of the world’s most recognizable fashion trademarks.

Three independent evidentiary bases affirm that neither Mohindar H.B. nor MPP (or MPP’s affiliates, including PRLI) has a legal relationship with Ralph Lauren Corp. First, Ralph Lauren’s official international store finder, https://www.ralphlauren.com/stores, does not list

Indonesia as a country in which an official "Polo by Ralph Lauren" retail outlet operates, supporting the conclusion that Ralph Lauren Corp. has not granted either party a commercial license or distribution rights in Indonesia. Second, the registered addresses of the MPP domestic dispute entities at Jl. Kali Anyar I No. 15, Tambora; PRLI at Jl. Meruya Ilir Business Park, Kebon Jeruk; and Mohindar H.B. at Taman Pasdenia, Kayu Putih, East Jakarta, have no apparent connection to the headquarters of Ralph Lauren Corp. at 650 Madison Avenue, New York, NY 10022, or to its subsidiaries. Third, Ralph Lauren Corp. has issued an official statement, corroborated by coverage in Women's Wear Daily and Investing.com, explicitly stating that it has no affiliation with MPP, PRLI, or related entities in Indonesia and has never signed a licensing, distribution, or partnership agreement for the operation of a "Polo by Ralph Lauren" store in Indonesia.

The legal implications of these confirmed non-affiliations are profound and critically underexplored in the Indonesian court proceedings. Courts at the first-instance, cassation, and judicial-review levels all resolve the disputes exclusively as priority contests between two domestic registrants (Mohindar H.B. and MPP), without engaging with the threshold question of whether either party has the authority to claim rights to a trademark that combines a well-known foreign trademark with a well-known personal name. The courts' silence on Articles 21(1)(b), 21(1)(c), and 21(2)(a) of the UUMIG, all of which are potentially applicable to both parties, means that the decisions determine the relative priority between two parties who may both have been legally disqualified from holding the mark in question. This constitutes a significant gap in the legal reasoning of the three decisions.

From a comparative legal perspective, this situation reflects a common challenge for emerging-market trademark systems that adopt a first-to-file approach without adequate infrastructure for the preventive identification of well-known international brands. The TRIPS Agreement (ratified by Indonesia through Law No. 7/1994) requires member states to provide protection for well-known trademarks under Articles 16.2 and 16.3. Indonesian trademark law fulfills this obligation through Article 21(1)(b) and (c) of the UUMIG. The deficit lies in implementation: without an updated and searchable database of internationally renowned brands integrated into the DJKI's substantive-examination workflow, statutory safeguards are largely ineffective at the prevention stage, leaving enforcement authorities and rights holders to rely on costly and protracted post-registration litigation, such as the three-decade dispute examined in this study.

The issue of Jon Whiteley's authority to transfer the mark deserves closer scrutiny than the Indonesian courts afforded it. For the transfer claimed by either party to be valid, Jon Whiteley himself must have held rights to the trademark "POLO BY RALPH LAUREN" in Indonesia at the time of the claimed transfer (1982 for Mohindar H.B. and 1992 for MPP). Critically, none of the three court decisions (at first instance, on cassation, or on judicial review) contains any finding, or even discussion, of documentary evidence establishing a legal or commercial relationship between Jon Whiteley and Ralph Lauren Corp. or its predecessor entities. The court records do not disclose how Whiteley purportedly acquired Indonesian trademark rights in the first place, and no licensing, distribution, or assignment agreement between Whiteley and Ralph Lauren Corp. was produced in evidence. This evidentiary vacuum is a significant omission in the judicial reasoning. If Whiteley himself did not legally hold the rights to the trademark—for example, because any right he might have claimed was acquired through a bad-faith registration incorporating a well-known trademark and a well-known personal name—then the transfer he purportedly made to Mohindar H.B. and MPP would be legally defective at its source, regardless of the formal validity of the transfer instrument. Both Mohindar H.B. and MPP, as intended transferees, therefore obtained, at most, the same defective title that Jon Whiteley held—a title premised on the unauthorized appropriation of a globally recognized foreign brand.

This analysis has direct relevance to Indonesia's broader trademark legal framework governing the acquisition and transfer of trademark rights. Under Article 41 of the UUMIG, trademark rights may be transferred through inheritance, *wakaf*, grants, agreements, or other legally permitted means. However, a transfer of rights presupposes the existence of a legitimate right capable of being transferred. If the original registrant (presumably Jon Whiteley, based on the facts as presented) had registered the trademark in bad faith, which would be consistent with the incorporation of a well-known personal name and a world-renowned brand without authorization, then the original registration itself would be legally defective and susceptible to cancellation under Article 77(2) of the UUMIG. Article 77(2) is significant because a cancellation action based on bad faith is not subject to the ordinary five-year limitation period. An unlawfully acquired trademark right cannot confer on the transferee greater rights than those held by the transferor. Both Mohindar H.B. and MPP, as intended transferees, therefore obtained, at most, the same defective title that Jon Whiteley held, a title based on the unauthorized appropriation of a well-known foreign brand.

The TRIPS Agreement dimensions of this case are significant. As a WTO Member since January 1, 1995, Indonesia is bound by the minimum standards of TRIPS for trademark protection, including Article 16.2 (extension of Paris Convention Article 6bis protection for well-known marks to services) and Article 16.3 (protection of well-known trademarks for dissimilar goods or services where use would indicate a connection with the rights holder and the rights holder's interests are likely to be damaged). Established criteria for determining whether a mark qualifies as "well known" under Article 6bis of the Paris Convention, as reflected in the WIPO Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks (1999), include the degree of knowledge or recognition among the relevant sector of the public, the duration and geographical area of use, the duration and geographical area of promotion, registrations and applications for registration in multiple jurisdictions, and the record of successful enforcement. The "Polo by Ralph Lauren" mark satisfies these criteria across all dimensions (Kur & Senftleben, 2017). Indonesia's failure to prevent the registration of multiple domestic trademarks incorporating the name and device elements of this well-known brand, and its failure to provide effective remedies to the rightful owner over a period of approximately four decades, raises questions about whether Indonesia's implementation mechanisms are adequate to discharge its TRIPS obligations at the operational level, a matter that may attract scrutiny from international trading partners and the WTO TRIPS Council.

Discussion

Substantive Similarity Analysis: Mark-by-Mark Evaluation of Six Disputed Trademarks

The main legal question in Case No. 84/Pdt.Sus-HKI/Brands/2022 is whether the six trademarks registered by MPP exhibit substantial similarity (*persamaan pada pokoknya*) and/or similarity in their entirety (*persamaan pada keseluruhannya*) to Mohindar H.B.'s Trademark No. 173934 ("POLOBYRALPHLAUREN" + polo-player logo, Class 25). Under Article 21(1)(a) of the UUMIG, a trademark application will be rejected if it has substantial similarity (*persamaan pada pokoknya*) or similarity in its entirety (*persamaan pada keseluruhannya*) to a mark previously registered or filed in connection with the same or similar goods or services. The DJKI's Technical Guidelines for Substantive Trademark Examination specify that these assessments should consider visual, phonetic, and conceptual similarities and should assess the marks holistically rather than in isolation. The presence of similarity in only one aspect is not necessarily determinative; the three aspects must be weighed collectively to determine whether the mark creates a likelihood of confusion among consumers.

Similarity in its entirety (*persamaan pada keseluruhannya*) exists where the signs are identical or virtually identical in all of their dominant elements, creating an overall impression of complete or near-complete identity that substantially impairs consumers' ability to distinguish between the products. Substantial similarity (*persamaan pada pokoknya*) exists where the dominant elements create significant similarities in appearance, placement, lettering or stylization, pronunciation, or conceptual meaning, such that consumers may mistakenly believe that the products originate from the same source or that the parties are commercially related.

Table 2

Mark-by-Mark Substantive Similarity Analysis: MPP Value vs. HB Avoidance Marks No. 173934 (Source: Author's analysis; DJKI Technical Guidelines for Substantive Trademark Examination, 2020)

No	MPP (Defendant) Brand	Visual	Phonetics	Conceptual	The similarities to the main

					thing?
1	Horseman Logo (IDM000099368)	Insignificant (general image)	None (without text)	There (Polo Sports Concept)	YES (overall)
2	R.L.P.C. POLO (IDM000274575)	No (different visuals)	YES (POLO, R.L.P.C. ≈ Ralph Lauren Polo Club)	YES (Polo + Ralph Lauren)	YES
3	NAVYPOLORALPHLAUREN (IDM000031864)	YES ('Ralph Lauren' is dominant)	YES ('Ralph Lauren' sounds the same)	No (different placement)	YES
4	R.L.P.C. POLO (IDM000646948)	No (Same as No. 2)	YES (Same as No. 2)	YES (Same as No. 2)	YES
5	PAINTING (picture of horse) (IDM000556307)	NO (only pictures of horses, no riders)	NO (without text)	NO (different in concept)	NO (exception)
6	NAVYPOLORALPHLAUREN (IDM000636356)	YES ('Ralph Lauren' is dominant)	YES (Same as No. 3)	No	YES

The analysis in Table 2 reveals significant variations across the six disputed marks that are not fully captured by the court's uniform annulment order. Marks 1, 2, 3, 4, and 6 each satisfy the substantive similarity standard in at least two of the three aspects prescribed by the DJKI, supporting the court's finding of substantial similarity with respect to these five marks. This outcome is consistent with the dominant-element theory of trademark comparison, which holds that consumer perception of brand identity is primarily shaped by the distinctive dominant components of a composite mark rather than by a word-for-word or element-by-element comparison (Kur & Senftleben, 2017). For mark 1 (Horseman Logo, IDM000099368), the conceptual similarity arising from the depiction of a polo player on horseback, combined with the overall impression of identity given that the MPP mark consists solely of this figure without any additional distinguishing elements, justifies a finding of overall similarity. For marks 2 and 4 (R.L.P.C. POLO, IDM000274575 and IDM000646948), phonetic and conceptual similarity is established by the abbreviation "R.L.P.C.," which the DJKI Technical Guidelines indicate should be interpreted by reference to its most probable expansion—here, "Ralph Lauren Polo Club"—combined with the word "POLO" as the common dominant element. For marks 3 and 6 (NAVYPOLORALPHLAUREN and NAVYPOLORALPHLAUREN, IDM000031864 and IDM000636356), the visual and phonetic presence of "RALPH LAUREN" as the dominant element in the composite signs creates substantial similarity; the prefixes "NAVY" or "NAVI" function as minor differentiating elements that are insufficient to eliminate the dominant similarity under the holistic assessment standard.

A notable exception is mark 5 (a pictorial illustration of a standalone horse without a rider, text, or polo context, IDM000556307). Applying the three-aspect test: (a) visually, the mark depicts a horse without a rider, which is compositionally and expressively distinct from the polo player on horseback; (b) phonetically, the mark contains no verbal elements and is therefore not amenable to an acoustic comparison with "POLOBYRALPHLAUREN"; and (c) conceptually, a standalone horse does not communicate the concept of the sport of polo or the identity associated with the Ralph Lauren brand. Under the holistic assessment mandated by the DJKI Technical Guidelines, mark 5 does not satisfy the substantive or overall similarity standard vis-à-vis the Mohindar H.B. reference mark. Notably, the judgment does not expressly explain the basis for including mark 5 within the blanket cancellation order, suggesting that the court may have applied the bad-faith ground under Article 77(2) as a general basis for collective cancellation without conducting a separate similarity analysis for each mark. While bad faith may ultimately justify the cancellation of mark 5 on independent grounds, the doctrinal path to that conclusion is analytically distinct from the similarity-based analysis applied to marks 1, 2, 3, 4, and 6.

It is also important to note that the similarity analysis conducted by the court is limited to comparing the MPP marks with the Mohindar H.B. marks. A more complete and legally comprehensive analysis would require a comparison of all domestic registrations, including the Mohindar H.B. mark itself, with the internationally renowned Ralph Lauren Corp. brand, applying the standards of Article 21(1)(b) and (c) of the UUMIG (substantial similarity to a well-known mark, regardless of the similarity of the classes of goods). Had this broader analysis been carried out, Mohindar H.B.'s own original registration, combining the name "POLO BY RALPH LAUREN" and the polo player device, would have been equally problematic: it showed an overall similarity to the well-known Ralph Lauren Corp. brand, and the name "RALPH LAUREN" was a well-known personal name whose incorporation into a trademark required the written consent of the namesake under Article 21(2)(a) of the UUMIG. Neither party obtained or produced evidence of such consent.

The doctrinal tension identified in the court's treatment of mark 5 reflects a broader problem in Indonesian trademark adjudication: the conflation of bad faith as a ground for cancellation with substantial similarity as a separate ground for cancellation. The UUMIG distinguishes between these two grounds. Article 76(1) provides general standing for interested parties to file a petition for annulment; Article 77(1) imposes a five-year limitation period for such petitions; but Article 77(2) provides an exception to this limitation period specifically for cases involving bad faith or violations of law. The court's reliance on the bad-faith ground under Article 77(2) as a basis for overcoming the limitation period, to the exclusion of the MPP limitation-law defense, is doctrinally correct. However, once the court determines that the petition is not time-barred because of bad faith, it still has an obligation to examine each individual mark on its merits, including its similarity to the opposing mark, before ordering cancellation. Failure to do so for mark 5 (IDM000556307) reflects an application of a legal standard that is insufficiently detailed.

A further analytical dimension concerns the significance of the terms *persamaan pada pokoknya* ("substantial similarity") and *persamaan secara keseluruhan* ("overall similarity") in the DJKI Technical Guidelines. Overall similarity is a higher and stricter standard: it requires that the dominant elements of the marks being compared are identical or effectively indistinguishable, such that the marks convey substantially the same commercial impression to the average consumer. Substantial similarity is a broader standard that includes cases in which the dominant elements, even if not entirely identical, create such a strong similarity that the average consumer is likely to be confused about the commercial origin of the goods. The practical significance of this distinction is that overall similarity can be established without evidence of actual consumer confusion because the marks are effectively identical, whereas substantial similarity requires a more contextual assessment of how the average consumer, encountering a mark under normal commercial conditions, would perceive it. For marks 2, 3, 4, and 6 in this case, the analysis appropriately identifies substantial similarity: the presence of the same dominant elements ("Ralph Lauren," "POLO," and the polo-player device) creates significant similarities even though the precise combination of elements differs between the plaintiff's and defendant's marks.

One aspect of the similarity analysis that the court did not address, but which has significant implications for the broader trademark landscape, is whether a polo-player device (an image of a person riding a horse while playing polo) is capable of serving as a distinctive trademark element, or whether it is a generic or merely descriptive symbol that should be denied trademark protection altogether. Based on Article 20(f) of the UUMIG, a mark cannot be registered as a trademark if it constitutes a commonly used name or symbol for the goods or services in question. The figure of a polo player is closely associated with the sport of polo in general, and the sport's iconography (including an equestrian player wielding a polo mallet) is widely used in contexts unrelated to the Ralph Lauren brand. However, through decades of global commercial use, the particular Ralph Lauren polo-player device, with its specific rendering, including the style and direction of movement of the horse and the position of the rider, has acquired secondary meaning that strongly identifies it with the Ralph Lauren brand in particular. This dual nature, a generic sports symbol that has acquired brand-specific secondary meaning, suggests that the polo-player device alone, without accompanying verbal elements such as “Ralph Lauren,” may fall within a zone of trademark protection that requires careful, case-by-case analysis rather than categorical treatment.

Bad Faith in Trademark Registration: Mutual Guilt of Both Disputing Parties

The doctrine of bad faith in trademark registration is codified in Article 21(3) of the UUMIG, which mandates the rejection of applications submitted by applicants who act in bad faith (*itikad tidak baik*). The Explanation to Article 21(3) defines bad faith as conduct in which an applicant intends to imitate, reproduce, or closely resemble, in whole or in part, a mark that is already known to the public, registering it for the applicant’s own commercial benefit and thereby creating unfair competition or misleading consumers. The DJKI Technical Guidelines identify six categories of conduct that may establish bad faith, including: (1) imitating or plagiarizing another party’s mark; (2) riding on the reputation of a well-known mark (applicable to both registered and unregistered well-known marks); and (3) exploiting the applicant’s prior knowledge of another party’s mark arising from a prior commercial or personal relationship.

An additional and often underappreciated basis for bad faith in this case is the violation of Article 21(2)(a) of the UUMIG, which prohibits the registration of a trademark that is or resembles the name or abbreviation of a famous person without that person’s written consent. “Ralph Lauren” is unquestionably the name of an internationally renowned individual, a globally recognized American designer who received the CFDA Lifetime Achievement Award and was featured by *Time* magazine as one of the most influential people in fashion. Any domestic entity that registers a mark incorporating the name “Ralph Lauren” in Indonesia, without exception, would therefore be required to obtain the written permission of Ralph Lauren or his lawful successors. This violation applies equally to Mohindar H.B. and MPP.

Table 3

Indicators of Bad Faith: A Comparative Assessment of Mohindar H.B. and MPP

Indicators of Good Faith (DJKI Technical Guidelines)	Avoid H.B.	PT. Manggala Putra Perkasa (MPP)
Hitchhiking/imitating a well-known brand (Category 2)	ADA listing the name "Polo by Ralph Lauren" that has been famous in the U.S. since 1974, without affiliation	ADA list various brand variants with the 'Ralph Lauren' name element without permission
Previous knowledge of the other party's brand (Category 3)	ADA in 1982 the Polo by Ralph Lauren brand already existed in the US; the redirect from Jon Whiteley is questionable	ADA in 1992 MPP was aware of a dispute with Mohindar H.B. but still registered
Registration without the intention of using (Category 4)	INDICATION EXISTS no evidence of active production; Just registered 2 new brands in 2023 after winning the case	NO MPP is proven to be active in production and trading (80 stores, 480 employees)
Use of famous people's names without permission (Article 21 paragraph 2 letter a UUMIG)	ADA 'Ralph Lauren' is the name of a famous person; no proof of written permission	ADA same, no written permission from Ralph Lauren/Ralph Lauren Corp.

(Source: Author's analysis; UUMIG, DJKI Technical Guidelines, court decisions 2022–2024)

The analysis in Table 3 shows that both sides exhibit clear indicators of bad faith, albeit of qualitatively different types and degrees. For Mohindar H.B., the conclusion of bad faith was based on the implausibility of the acquisition of the rights it claimed: the transfer of the "Polo by Ralph Lauren" trademark from Jon Whiteley by personal deed (a private agreement) in 1982, at a time when the brand was internationally renowned and commercially successful, raises serious questions about the authenticity and authority of that transfer. In addition, the absence of

Mohindar H.B.'s commercial activity under the trademark—no manufacturing, no retail operations, and no licensing revenue—for the 40 years between its original registration and the filing of its cancellation petition in 2022 is consistent with registration without a bona fide intention to use the trademark (category 4 in the DJKI Guidelines), indicating that its primary motivation was to hold a trademark rather than build a business under it. The registration of two new trademarks (IDM001148848 and IDM001148849) in December 2023—just after securing a court victory—further demonstrates opportunistic behavior rather than genuine ownership. This dual typology—speculative registration without commercial use versus commercial exploitation of an unauthorized well-known trademark—has been identified in comparative trademark scholarship as representing distinct policy problems requiring differentiated regulatory responses. The Indonesian DJKI Technical Guidelines' enumeration of six categories of bad faith implicitly acknowledges this distinction, although the Guidelines do not prescribe different procedural or remedial consequences for each category.

For MPP, the bad-faith assessment is, in one key respect, more nuanced: MPP is demonstrably using the trademark commercially, operates 80 retail outlets, employs approximately 480 staff, and conducts active online sales. This commercial use undermines any defense based on a lack of intent to use the trademark. However, commercial activity itself may constitute free riding of the type prohibited by Article 21(3) of the UUMIG: MPP built its business by exploiting the name "Polo by Ralph Lauren," a name belonging to an internationally renowned brand, without authorization and without regard to the rights of the prior claimant in the dispute with Mohindar H.B. (as evidenced by the 1993–1997 litigation). A June 1992 notarial deed in which MPP claimed to have acquired the trademark from Jon Whiteley—who explicitly stated that the trademark "was never transferred to another party" prior to MPP's acquisition, a claim disputed by the court—indicates that MPP was aware of competing claims and proceeded with the registration regardless. The combination of knowledge of prior claims, the use of well-known foreign trademarks and well-known personal names without consent, and the active exploitation of the resulting consumer recognition constitutes evidence of bad faith under categories (2) and (3) of the DJKI Guidelines.

Critically, the court's finding of bad faith in favor of Mohindar H.B. effectively resolved the dispute between the two domestic plaintiffs but left unanswered the fundamental question of whether Mohindar H.B. itself was the rightful owner of the trademark combining a well-known foreign trademark and a well-known personal name. From the perspective of Ralph Lauren Corp.—which never formally intervened in the litigation—the outcome, while beneficial insofar as the MPP trademark was ultimately challenged, did not resolve the Indonesian trademark landscape in a manner entirely consistent with the well-known-trademark protection provisions of the UUMIG. The Polo/Lauren Company's subsequent active registration efforts across several classes demonstrate that Ralph Lauren Corp. is now asserting its legal rights through proper channels, but three decades of litigation between unauthorized domestic claimants constitutes a significant systemic failure.

The court's focus on the comparative priority between the two domestic registrants—rather than on the underlying bad faith of both parties vis-à-vis Ralph Lauren Corp.—reflects systemic limitations in the way Indonesian trademark courts approach multiparty disputes involving well-known foreign brands. In many advanced trademark jurisdictions, courts may consider the rights of well-known trademark owners as a threshold issue when a dispute implicates those rights, even if the trademark owner is not a party to the proceedings. In the United States, for example, under the Lanham Act (15 U.S.C. § 1125(a)), courts may consider the rights implicated by a well-known trademark when adjudicating claims involving that mark. In the European Union, the EUIPO opposition process provides mechanisms for considering Article 8(5) of the EUTMR, concerning trademarks with a reputation, when the relevant statutory requirements are met. The UUMIG does not expressly authorize Indonesian courts to adjudicate the rights of a non-party third-party owner of a well-known trademark. Nevertheless, the DJKI, as the government agency responsible for maintaining the integrity of the trademark register, can be understood as having an institutional responsibility under Article 76 of the UUMIG to address the status of a well-known trademark where that status is relevant to cancellation proceedings. The DJKI's role as a co-defendant in the litigation between MPP and Mohindar H.B., together with its defense of MPP's legally granted registration, therefore represents a missed opportunity for the institution to acknowledge and correct deficiencies in the previous examination process.

The economic and social impact of the court's decision, especially the threat of layoffs affecting 480 MPP employees, deserves to be acknowledged without allowing it to distort the legal analysis. Employee welfare and economic disruption are relevant considerations in trademark-enforcement policy, but they are not grounds for enforcing trademark registrations obtained in bad faith or for denying the legitimate rights of the actual trademark owner. The appropriate policy response to the human costs associated with MPP's situation is not to perpetuate trademark infringement but to ensure that Indonesia's social-protection system and labor-law mechanisms provide adequate protection for workers whose employment is disrupted by the legal consequences of their employer's trademark infringement. The failure of the DJKI examination process—which allowed the dispute to persist for 30 years rather than being prevented at the registration stage—bears some responsibility for the ultimate scale of the employment disruption, highlighting another reason why proactive substantive scrutiny is not merely an administrative good but also a matter of economic and social interest.

The contrast between Mohindar H.B.'s and MPP's approaches to the trademark also illustrates an important doctrinal distinction that the DJKI Technical Guidelines recognize but that has received insufficient attention in Indonesian trademark scholarship: the difference between "speculative registration" (registering a trademark without an intention to use it) and "free riding on a well-known brand" through commercial production and exploitation. Mohindar H.B. appears to represent the former: a registrant that maintains a registration as a legal instrument rather than as the basis for commercial activity. MPP represents the latter: an entity that actively builds commercial operations around an unauthorized well-known brand, generating genuine economic activity but on the foundation of an illegitimately acquired reputation. Both forms of bad faith are addressed under Article 21(3) of the UUMIG, although the appropriate policy responses may differ. Speculative registrations are best addressed through an effective non-use cancellation mechanism, including the pre-existing cancellation ground under Article 74 of the UUMIG, which permits cancellation where a registered trademark has not been used for three consecutive years, although this mechanism is reportedly underutilized in practice. Free-riding through commercial exploitation is best addressed through enhanced substantive examination at the registration stage, combined with accessible and expedited cancellation procedures for well-known trademark owners seeking to assert their rights against existing registrations.

Policy Implications and Recommendations

The findings of this study—demonstrating systemic failures in the DJKI's substantive examination mechanism, the inadequacy of existing judicial guidance on well-known trademark protection, and the structural vulnerability of Indonesia's first-to-file system to opportunistic registration—give rise to five specific policy recommendations aimed at strengthening Indonesia's trademark protection framework. These recommendations are grounded in the theoretical framework articulated by Calboli (2018) on comparative trademark system design and in the operational standards promoted by the WIPO Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks (1999). First, the DJKI should develop and maintain a comprehensive, regularly updated database of internationally recognized trademarks, fully integrated into the substantive examination workflow. This database should draw on WIPO, USPTO TSDR, and EUIPO records and should be updated at least annually. Examiners should be required to cross-reference applications against this database as a mandatory step in the substantive examination process. Had such a database existed and been used in the 1980s and 1990s, the registrations of Mohindar H.B. and MPP should have been rejected at the examination stage in accordance with Articles 21(1)(b), 21(1)(c), and 21(2)(a) of the UUMIG.

Second, the DJKI should establish a notification protocol whereby verified owners of well-known international trademarks are automatically notified when domestic trademark applications incorporating their trademarks or the names of famous persons associated with their trademarks are filed in Indonesia. This mechanism, analogous to opposition-notification systems used in many major trademark jurisdictions, would allow the rightful owner to file a timely objection without having to independently monitor the PDKI database. For internationally renowned brands such as "Polo by Ralph Lauren," such a mechanism would likely help prevent the decades of registration disputes and litigation generated by the competing domestic claims.

Third, the Ministry of Law and Human Rights and the Supreme Court should consider issuing a circular or joint guidance to the trademark courts clarifying that, in disputes involving a trademark similar to an internationally renowned trademark, the court's analysis should include not only the comparative priority between the domestic parties but also the application of Articles 21(1)(b), (c), and (d) and 21(2)(a) of the UUMIG, even if the legitimate international owner is not a formal party to the proceedings. This would allow the court to adjudicate such disputes in a manner more fully consistent with Indonesia's obligations under TRIPS and would prevent anomalies such as the present case, in which a dispute between two domestic claimants alleged to have acted in bad faith may be resolved without addressing the underlying interference with the rights of the actual trademark owner.

The fourth recommendation addresses the specific structural deficiencies revealed by Jon Whiteley's transfer issues. The DJKI should implement enhanced oversight for trademark-transfer applications where the transferred trademark incorporates a well-known international brand name or a well-known personal name. Under the current system, transfers are registered primarily on the basis of formal compliance, such as the submission of a notarized deed and payment of the requisite fees, without substantive review of whether the transferred trademark itself was validly registered. Applying substantive review at the transfer stage to determine whether the original registration is consistent with Article 21 of the UUMIG would prevent the continuation of unauthorized registrations through successive transfers and ensure that the trademark register accurately reflects the distribution of legally enforceable rights.

The fifth recommendation concerns international cooperation. Indonesia should actively engage with WIPO programs on international trademark protection, including the WIPO Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks (1999), and consider establishing bilateral trademark-information exchange agreements with major trademark offices, including the USPTO, EUIPO, JPO, CNIPA, and KIPO. Such agreements would allow for more timely notification to the DJKI when a new internationally renowned brand is registered or otherwise recognized in a partner jurisdiction, helping ensure that the DJKI's well-known-brand database remains current without relying solely on proactive filings by foreign trademark owners. This is especially important in the fashion and luxury-goods sector, where new brands can quickly achieve global recognition through digital channels, creating a dynamic landscape that static reference databases may fail to reflect promptly.

These five recommendations collectively address the multidimensional nature of the systemic failures identified in these cases: a lack of substantive examination at the time of registration (recommendation 1); the absence of a notification mechanism for the rightful owner (recommendation 2); inadequate judicial guidance on the consideration of well-known trademarks in inter partes disputes (recommendation 3); vulnerable transfer-review procedures (recommendation 4); and inadequate international data exchange (recommendation 5). The implementation of these five recommendations would not only reduce the occurrence of disputes such as the Mohindar H.B. v. MPP case but would also strengthen Indonesia's reputation as a jurisdiction that takes intellectual property protection seriously, an important signal for foreign investors and brand owners considering market entry into Indonesia's large and commercially significant consumer market.

The importance of strong trademark protection for Indonesia's economic development cannot be overstated. The Direktorat Jenderal Kekayaan Intelektual (DJKI) has identified trademark protection as a key pillar of Indonesia's creative-economy agenda and industrial-competitiveness strategy (DJKI, 2025). Trademark regimes that fail to protect well-known international brands at the registration stage not only create legal uncertainty for foreign trademark owners but also distort competition for domestic entrepreneurs—as demonstrated by this case, where three decades of unauthorized exploitation of a well-known foreign brand ultimately resulted in a forced market exit for MPP and its affiliates. The human cost—approximately 480 direct employees and an unknown number of indirect supply-chain stakeholders—is a direct consequence of the system's failure to intervene at the registration stage, when the original applications by Mohindar H.B. and MPP were submitted for substantive examination.

CONCLUSION

This study has conducted a systematic doctrinal analysis of the trademark dispute between Mohindar H.B. and PT. Manggala Putra Perkasa (MPP) involving the "Polo by Ralph Lauren" brand, integrating substantive similarity analysis and bad-faith evaluation within a single analytical framework applied to a multi-party trademark dispute. The principal findings are threefold. First, the identification of seven entities that registered trademarks incorporating "Polo by Ralph Lauren" in Indonesia over four decades—none of which has a documented legal relationship with Ralph Lauren Corp.—constitutes empirical evidence of a systemic failure of Indonesia's substantive examination mechanism under Articles 21(1)(b), 21(1)(c), and 21(2)(a) of the UUMIG. Second, the mark-by-mark similarity analysis demonstrates that five of the six disputed MPP marks satisfy the substantive similarity standard under the DJKI three-aspect framework, while Mark 5 (a standalone horse illustration) does not. This distinction was not drawn by the court, reflecting an insufficiently granular application of the similarity doctrine. Third, the registration conduct of both Mohindar H.B. and MPP satisfies the indicators of bad faith under Article 21(3) of the UUMIG, although the nature and policy implications of each party's bad faith differ in ways that warrant differentiated regulatory responses.

The theoretical contribution of this study lies in demonstrating that substantive similarity and bad faith, while legally distinct grounds for trademark cancellation under the UUMIG, interact in ways that require integrated doctrinal analysis: a court that resolves questions of similarity and bad faith in isolation risks analytical inconsistency, as illustrated by the court's treatment of Mark 5. The practical contribution is a replicable analytical framework—combining the DJKI three-aspect similarity test with the six-category bad-faith indicators set forth in the DJKI Technical Guidelines—that practitioners, courts, and DJKI examiners can apply to future multi-party trademark disputes involving well-known foreign brands. The five policy recommendations advanced in this study collectively address the multidimensional systemic failures identified in the case: inadequate substantive examination at the registration stage, the absence of owner-notification mechanisms, insufficient judicial guidance concerning the threshold determination of well-known trademarks, vulnerabilities in trademark transfer review procedures, and inadequate international trademark-data exchange. Future research should examine the empirical effectiveness of the DJKI's substantive examination reforms implemented after 2022, assess the uptake of the five recommendations in regulatory practice, and investigate whether the analytical framework developed here is applicable to analogous disputes in other ASEAN first-to-file jurisdictions.

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AUTHOR CONTRIBUTION STATEMENT

The author contributes fully to all stages of this research, including topic formulation, identification of legal issues, literature review, data collection, analysis of court decisions, examination of trademark registration data, and drafting of manuscripts. The author is also responsible for interpreting the findings, developing discussions, formulating conclusions, and ensuring the coherence and academic quality of the final manuscript on the trademark dispute over "Polo By Ralph Lauren" in Indonesia.

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