JURNAL INDEPENDENT
Fakultas Hukum – Universitas Islam Lamongan
Jl. Veteran No. 53 A Lamongan
Email : fh@unisla.ac.id
ISSN Online : 2775 – 1090 ISSN Print : 2775 – 2011
https://jurnalhukum.unisla.ac.id/index.php/independent

# Legal Liability for Prestige Brand Parody for Ads

Dhevi Nayasari Sastradinata[1], Wardatun Nabilah[2], Joejoen Tjahjani[3], Velinsia Cindy Agustin[4]

1. Faculty of Law, University of Islam Lamongan, Jl. Veteran No.53 A Lamongan, 62211
2. Faculty of Syariah, UIN Mahmud Yunus Batusangkar, Jl. Raya Batusangkar - Padang Panjang, Sumatera Barat 27216
3. Faculty of Law, University of Islam Lamongan, Jl. Veteran No.53 A Lamongan, 62211
4. Faculty of Law, University of Islam Lamongan, Jl. Veteran No.53 A Lamongan, 62211

Cooresponding Author: dhevinayasarisastradinata@gmail.com

## Abstract

Parody of prestige brands in the context of commercial advertising has sparked complex legal debates, particularly regarding the boundary between freedom of expression and trademark protection. Prestige brands, as brands with a high reputation and strong symbolic value, are vulnerable to forms of exploitation that can harm their image and economic value. Based on the background above, the author proposes the following problem formulation: first, what is the legal responsibility of parody advertisers towards prestige brands? And second, how is the legal protection of prestige brands that are parodied for advertisement purposes? This research employs a normative legal type, with a statutory approach. The legal materials used are primary legal materials including: Law Number 20 of 2016 concerning Brands and Geographical Indications, and Law Number 28 of 2014 concerning Copyright. From the research results, it can be concluded that: the use of famous brands in parodies is not automatically protected by freedom of expression if the purpose is commercial and can mislead consumers. The perpetrators of the parody can be held legally accountable if the parody causes damage to the owner of the prestige brand, even though parody is a form of freedom of expression, its use must heed legal provisions so as not to violate the exclusive rights of the brand owner. The owner of the prestige brand has the right to demand the cessation of violations and compensation for the economic and moral damages incurred.

**Keywords: Legal Protection, Prestige Brand, Advertising Parody.**

## Introduction

The development of digital technology and social media provides a wide enough space for people to express their creativity, such as advertising

parodies.[1] Parody is a form of expression that aims to convey criticism or humor to an object, figure, event or event, and trademark. In the context of marketing and advertising, parody is often used as a shortcut to attract the public's attention more effectively. This form of communication is often legitimate as a form of freedom of expression. However, in its use the elements resemble brand *prestige* in parody, especially for commercial purposes that can cause legal dilemmas related to intellectual property protection.[2]

A parody that is often a legal debate is a parody of *brand prestige* because its reputation and economic value are high, have strong legal protection compared to ordinary brands.

In reality, business actors or content creators modify the name, logo, or slogan *of prestige brands* for the purpose of parody in advertising or product promotion. Examples such as the use of the word "ADIMAS" or "ADINDA" which resembles "ADIDAS" and the use of national television station logos in mobile service content, show that parodies of *prestige brands* are increasingly being used in public spaces. Even if it is for entertainment or satirism, this kind of use will have an impact on the decline of the image, reputation and exclusivity of the parodied brand.

In the perspective of intellectual property law, parody of brand prestige is the cause of trademark infringement, in the form of *trademark* dilution and *tarnishment*. *Trademark dilution* refers to the weakening of the distinguishing power of a *prestige brand* due to the use of other parties without permission, even though it does not cause direct consumer confusion. *Tarnishment* refers to a company's brand image because of its association with things that are negative or degrading. Parody is an instrument that triggers a conflict between the interests of creative expression and legal protection against the commercial owners of *prestige brands*.[3]

---

[1] Dhevi Nayasari Sastradinata, et al., *Criminal Liability In Cases Of Counterfeiting Excise Stamps Under Indonesian Excise Law*, Journal Independent, Vol. 13, No. 1 (2025), p. 95

[2] https://so05.tci-thaijo.org/index.php/TBLJ/article/view/111715?utm_source accessed on May 26, 2025

In the Indonesian legal system, the regulation of the protection of trademark rights, including prestige *brands*, is contained in Law Number 20 of 2016 concerning Trademarks and Geographical Indications (MIG Law). The law gives the exclusive right to owners of *prestige brands* to use prestigious brands in the trade of certain goods and services. Exclusive rights such as the prohibition of other parties without permission to use the same trademark or have similarities in essence.

However, the Trademark and Geographical Indications Act does not explicitly regulate the use of elements in the form of parodies in the context of creative expressions such as satirical or humorous advertisements that utilize *brand prestige* symbols. This causes a *normative gap* and legal uncertainty in responding to parody practices that touch the commercial realm.

In reality, the use of parodies that resemble or contain elements of brand prestige can be categorized as trademark infringement if it meets the elements in Article 83 paragraph (1) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications which reads:

"A registered Trademark Owner or Licensee may sue another party without the right to use a Trademark that has substantially or substantially any similarity to similar goods and services manufactured and traded."

Although parody is not always used for similar goods and services, it provides an interpretive loophole to protect *brand prestige* from possible exploitation, especially if it is proven that the use of parody can cause economic loss, reputational damage, and a decrease in the value of brand exclusivity.

---

[3] Yuliana Utama, *Brand Protection Based on the Level of Discriminating Power Reviewed from the Doctrine of Brand Dilution in Indonesia,* Acta Diurnal Journal of Notary Law, Faculty of Law, University of Padjadjaran, Vol. 5 No. 1 (2021), p. 148

In the context *of brand prestige,* Article 21 paragraph (1) b and c of Law Number 20 of 2016 concerning Trademarks and Geographical Indications provides protection against possible infringements that are not limited to similar products.

The provision states that a trademark cannot be registered if:

a. The trademark resembles the name or abbreviation of the name of a famous person, a photo, or the name of a legal entity owned by another person.
b. Such marks resemble names, abbreviations, flags, emblems or symbols of national and international countries or institutions, unless they have the written approval of the authorities.

Although it does not directly mention parody, the provision opens up the protection space for non-material reputations attached to famous symbols or names, such as *prestige brands*. Advertising parody in the context of commercial promotion has a competitive nature or degrades the prestige *image of the brand,* therefore it qualifies as unfair business competition.

Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, the practice of copying and pasting or obscuring the identity of competitors in order to gain economic benefits is subject to administrative sanctions, including an order to stop such actions or pay compensation.

Parody that involves elements of insult, defamation, and inappropriate depictions (vulgar) has the potential for civil or even criminal offenses.

## Research Methods

In this study, a normative juridical research type is used, because this research uses a normative juridical type, the approach taken by the author is the Law approach. The Statue *Approach* is carried out by exploring and reviewing the laws and regulations that are the legal basis for the application of diversion. The Statute *Approach* is carried out by examining all laws and regulations related to the legal issues being handled.[4]

## Research and Discussion Results

### 1. Legal Liability of Advertising Parody Perpetrators to *Prestige Brand*

In the criminal law system, there are three main elements: criminal acts, criminal liability, and criminal imposition. The concept of criminal liability is very important, based on the principle of *mens rea* or error. This principle states that a person is innocent unless he has malicious intent. Criminal liability is used to assess whether a suspect should be held responsible for a crime committed, which determines whether they will be acquitted or punished. The burden of criminal responsibility is placed on the perpetrators of violations, which is the basis for providing criminal sanctions. A person is criminally liable if their actions violate the law, but this responsibility can be lost if there are factors that reduce their ability to be held accountable. The basis of the

[4] Peter Mahmud Marzuki, Legal Research Revis Edition,. Prenada Media Group, Jakarta.2015, p.133.

Criminal acts are the principle of legality, while punishment is based on mistakes.

The new Criminal Code regulated in Law Number 1 of 2023 does not explicitly regulate advertising parodies of prestigious brands. However, the parody perpetrator can be held legally liable if his work contains elements of defamation as stipulated in Article 433, which threatens criminal punishment for anyone who attacks the honor or good name of another person through writing, images, or other media. In addition, if the parody uses a trademark without permission, the perpetrator can be charged with Article 100 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which prohibits the use of registered trademarks without rights. In the event that the material being parodied is a copyrighted work, the principle of "*fair use*" in copyright law also needs to be considered so as not to violate the moral and economic rights of the creator. Therefore, parody makers must carefully understand the legal limitations to avoid criminal sanctions or civil lawsuits. This interpretation concludes that the articles of the Criminal Code contain elements of guilt, which must be proven in court. Thus, before a person can be convicted, the court must prove that the person not only committed a criminal act, but also did it intentionally.

In this context, judges play a crucial role in proving the elements of criminal responsibility, because the absence of convincing evidence will absolve a person from criminal responsibility.[5]

The concept of liability in criminal law serves to determine the final disposition of a criminal case, namely whether the defendant will be acquitted or sentenced to a criminal sentence. In order to establish the existence of

[5] Rusdi, Puspitasari, et al. Criminal Liability for Perpetrators of Fraud by Hypnotic Means (Decision Number 16/PID. B/2019/pn. Mak).2020.PhD Thesis.Hasanuddin University.

criminal liability to a person, elements that must be fulfilled as a condition for prosecution:

a. Being able to take responsibility

Criminal liability has implications for the imposition of criminal charges against the perpetrator, the conditions for the criminal act committed have met all elements stipulated in the legislation. The occurrence of a criminal act is evaluated based on the nature of the prohibited act.

b. Error

The form of human actions has two characteristics in terms of carrying out these acts, namely intentionality and negligence. The forms of negligence are:

1. Intentionality with intent.
2. Intentionality as a certainty, a must.
3. Intentionality as a possibility.

c. No excuse for forgiveness

The existence of justification reasons (*rechvaardigingsgrond*) and excuses (*schulduitsluitingsgrond*) basically does not have substantial implications for the perpetrators of criminal acts, considering that both reasons result in the elimination of criminal offenses.

Several provisions in the Criminal Code can be categorized as grounds for forgiveness:

1. The psychological condition of the perpetrator who experiences disorders
2. The existence of a compelling situation
3. Forced defense
4. Implementation of an invalid office order.

If one of these conditions is met, even though an act meets the elements of a criminal act, the perpetrator remains

must be exempt from all lawsuits and cannot be held criminally liable.[6]

Perpetrators who make advertising parodies that are detrimental to *brand prestige* can be subject to criminal liability, if the parody contains elements of fraud or misleading consumers. Based on Broadcasting Law Number 32 of 2002, broadcasting that causes false or harmful information is prohibited and can be subject to sanctions, including warnings to advertising freezes. In addition, the Consumer Protection Law also stipulates that business actors are responsible for the advertisements produced and all the impacts caused, and can be subject to administrative or criminal sanctions.

The Trademarks and Geographical Indications Act provides special protection for *brand prestige* with the threat of criminal imprisonment and fines for those who trade counterfeit goods or commit trademark-related offenses. To be able to ensnare the perpetrator criminally, there must be evidence that the perpetrator deliberately harmed another party.

Legal liability applies not only to advertisers, but also advertising companies, media broadcasters, creators of advertising parody content involved in advertising broadcasting. The sanctions imposed can be in the form of prison sentences or fines.[7]

Advertising parody in the advertising world refers to the act of imitating, changing, or criticizing an element of a brand or product in a humorous or satirical way. The main purpose of parody is to capture the public's attention, often by providing social criticism or just plain entertainment. However, the use of parodies involving well-known brands, or commonly referred to as *prestige brands*, can cause serious legal problems. Brand-

[6] *Ibid*. h 11-16
[7] *Ibid*, pp. 163 - 165.

Brands that have a high status in the market, such as Chanel, Rolex, or Nike, are not only known as product identities, but also as symbols of quality, lifestyle and social status. In this context, such brands have a very strong legal right to protect their image and reputation from actions that can damage such symbolic value. If a parody of an advertisement uses this brand in a way that may mislead consumers or damage the image of the brand, then the parody may be considered infringing on intellectual property rights protected by law. Legal protection for well-known brands in Indonesia is regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which provides special protection for brands that have international recognition. Article 21 of the law expressly states that well-known brands must be protected from uses that may cause consumer confusion or damage the reputation of the brand itself, including the use of such brands in advertising parodies that may mislead the market. Therefore, parodies involving well-known brand elements risk violating this legal provision if they do not meet certain criteria.[8] The Gospel of Jesus

In the context of legal liability, perpetrators of advertising parodies involving well-known brands can be subject to civil or criminal sanctions. Based on Article 1365 of the Civil Code, if the parody causes harm to the trademark owner, then the action can be categorized as an unlawful act, which requires the perpetrator to provide compensation. Brand owners who feel aggrieved can file a lawsuit to claim compensation for reputational or material losses incurred as a result of unauthorized use of parody. In addition, in the criminal aspect.

[8] Fair Use for Parody, Satirism, Caricature and Pastiche 39 Singapore Law Review 2021-2022 accessed on 26 May 2025

Law No. 20 of 2016 Article 100 stipulates that violations against well-known brands committed in bad faith, including through advertising parodies that have the potential to damage the brand's image, can be subject to criminal sanctions in the form of fines or prison sentences. Thus, if the advertising parody seeks to intentionally mock or damage a well-known brand, the perpetrator can be held liable under the provisions of the law.

Advertising parodies as creative expressions, not all parodies are said to be against the law. In some countries with common law-based legal systems such as the United States, advertising parodies are often protected through the principle *of fair use*, which allows parodies to be made even if they are commercial, as long as they provide a new transformational element and do not damage the market for the original work. For example, in the case of Campbell v. Acuff-Rose Music. The United States Supreme Court ruled that a parody is commercial, can be protected as *fair use*, the parody provides a new contribution or clear criticism of the original work, without causing market confusion or damaging the reputation of the original work.[9] This decision proves that parodies that are transformational and do not lead to confusion or economic loss are acceptable in the context of freedom of expression. However, in Indonesia, there is no legal provision that explicitly regulates the protection of parody in the context of a brand, so the court relies more on the assessment of the impact of the parody on the image and reputation of the parodied brand. In practice, if a parody causes consumers to be confused about the origin of the brand or associates the brand with something negative, this can be considered a violation of the applicable law.

[9] Campbell v. Acuff-Rose Music, Inc. | 510 U.S. 569 (1994) | Justia U.S. Supreme Court Center on access on May 26, 2025

It is important to consider two main factors in analyzing whether the perpetrator of advertising parody can be held legally liable. First, it is the good faith of the parody perpetrator. If the parody is done in good faith, such as for the purpose of social criticism or harmless humor, then the perpetrator may not be subject to legal sanctions. Conversely, if the parody aims to intentionally exploit or damage the brand's reputation, then the perpetrator can be held accountable. The second factor to consider is the impact on the market. If the parody causes confusion among consumers or affects the perception of the parodied brand, then the parody can be considered an infringement of the rights of the brand owner.

Article 21 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications clearly states that well-known brands must be protected from all forms of use that can mislead consumers, parodies that can create confusion or damage the brand image.

The act of parodying advertising against prestigious brands can have legal consequences if the parody causes confusion among consumers, tarnishes brand image, or is done dishonestly for business profit. Parody perpetrators can be held accountable civilly.

Article 1365 of the Civil Code:

> "Every act that violates the law and brings harm to another person obliges the person who by mistake publishes the loss, to compensate for the loss."

In addition, the liability of the parody perpetrator may also be subject to sanctions stipulated in Article 21 and Article 100 paragraph (1) of Law Number 20 of 2016 concerning Trademarks and GeographicalIndications:

Article 21

"The application is rejected if the Trademark has similarities in substance or in whole with a well-known Trademark belonging to another party for similar goods and/or services.

Article 100

"Any person who without the right to use a trademark that has similarity in substance or in whole with a registered trademark belonging to another party for similar goods and/or services produced and/or traded, shall be sentenced to a maximum of 5 (five) years in prison and/or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah)."

**Legal protection against *prestige brands* parodied for advertising**

Satjipto Raharjo said his opinion on legal protection. He argued that legal protection is to provide protection for human rights (HAM) lost due to the actions of others and protection is given to the community so that everyone can obtain their rights as citizens. Therefore, legal protection is one of the proofs to create legal goals, such as realizing justice, utility, and legal certainty.[10] The Gospel of Jesus Christ

Legal protection of registered trademarks can be preventive or repressive. Preventive protection is realized through trademark registration, this method is advantageous when owners of foreign brands and well-known brands do not immediately register their trademarks in Indonesia, thus reducing the risk of registration by other parties for products

[10] Hadziqotun Nahdliyah, et al., *Legal Protection For The Owner Of Brand Rights According To Law Number 20/2016 Of Trademark And Geographical Indication (Trademark And Geographical Indication)*, Journal Independent, Vol. 13, No. 1 (2025), pp. 58-59

similar.[11]Meanwhile, repressive protection is applied in the event of trademark infringement, for example by filing a civil lawsuit or criminal charges. Conflicts can be avoided by using coercive legal protections. In Indonesia, legal protection is settled in ordinary courts and special administrative courts to deal with the many competition problems in the business world.[12]

Repressive protection is contained in Chapter XIV, as Article 95 Paragraph (1) of Law Number 28 of 2014 concerning Copyright states that:

> "Forms of disputes related to copyright include disputes in the form of unlawful acts, license agreements, disputes regarding tariffs in the withdrawal of rewards or royalties. In this regard, what is meant by alternative dispute resolution is the dispute resolution process that is carried out by means of negotiation, mediation or conciliation."

Copyright holders who feel aggrieved can file a lawsuit that causes damages. The procedure for lawsuits is regulated in articles 100 and 101 of Law Number 28 of 2014 concerning Copyright, as follows:

Article 100

d. The lawsuit for copyright infringement was filed with the chairman of the Commercial Court;
e. The lawsuit as intended in paragraph (1) is recorded by the clerk of the Commercial Court in the register of court cases on the date the lawsuit is registered;
f. The Clerk of the Commercial Court provides a signed receipt on the same date as the date of registration;
g. The Clerk of the Commercial Court submits the application for a lawsuit to the chairman of the Commercial Court within a maximum of (2) days from the date the lawsuit is registered;

---

[11] Sita Nur Ramdhani Devi, Al Qodar Purwo Sulistyo, *Analysis of Legal Protection of Prominent Foreign Trademark Holders from Infringement in Indonesia*, UNES Journal of Swara Justisia, Vol. 8, No. 2, (2024), p.266 – 267

[12] Ni Wayan, I Nyoman Putu, and Putu Ayu Sriasih Wesna, *Trademark Plagiarism Dispute between Ms Glow and Ps Glow*, Journal of Legal Analogy, Vol.5, No. 1 (2023), pp. 48–54

h. Within a maximum of (3) days from the date the lawsuit is registered;
i. The notice and summons of the parties shall be made by the bailiff within a maximum of (7) days from the date of the filing of the lawsuit;

Article 101

a. The judgment on the lawsuit must be pronounced no later than 90 days after the lawsuit is registered;
b. In the event that the period as intended in paragraph (1) cannot be fulfilled with the approval of the Chief Justice of the Supreme Court, the period can be extended for 30 days;
c. The decision as intended in paragraph (1) must be pronounced in an open session to the public;
d. The decision of the Commercial Court as intended in paragraph (3) must be submitted by the bailiff to the parties no later than 14 days from the date the judgment is pronounced.

So based on such a thing, if it is associated with the existence of an advertising parody of the *prestige brand*, which in its manufacture causes losses to the original creator or in the making of advertising parodies for commercial purposes and there is no profit sharing between the perpetrators of advertising parody and the owner of the prestige brand, then *the owner of the prestige brand* can file a lawsuit with the chairman of the Commercial Court in accordance with the provisions contained in articles 100 and 101 of Law Number 28 of 2014 concerning Copyright.

Meanwhile, in a civil lawsuit, there are two ways that can be done by the owner of a prestige brand if his exclusive rights are violated, namely by canceling the registration of the work in accordance with the provisions of article 97 of Law Number 28 of 2014 concerning Copyright, namely:

a. In the event that the work has been recorded in accordance with the provisions of article 69 paragraph (1), other interested parties may file a lawsuit for the cancellation of the registration of the work in the general register of the work through the Commercial Court."
b. The lawsuit as intended in paragraph (1) is addressed to the creator or registered copyright holder.

It can be concluded that a parody actor who has registered his creation does not absolutely own the creation,

This means that if the registered copyright work is the result of copyright infringement and the owner of the prestige brand feels a loss, then he can file a cancellation lawsuit in accordance with article 97 of Law Number 28 of 2014 concerning Copyright.

Both owners of prestige brands through their heirs have the right to claim compensation, as stipulated in article 96 of Law Number 28 of 2014 concerning Copyright, namely:

a. Creators, copyright holders and *prestige brand* holders or their heirs who suffer economic rights losses are entitled to compensation.
b. Compensation as intended in paragraph (1) shall be given and included at the same time in the court's decision on the case of copyright infringement or copyright.
c. Payment of compensation to the creator or owner of *prestige brand* which is paid no later than 6 months after the court decision with permanent legal force.

The purpose of compensation is the payment of a sum of money charged to the perpetrators of advertising parodies that violate the economic rights of the creator or prestige *brand owners* who feel disadvantaged by the existence of advertising parodies against *prestige brands*.

The heirs also have the right to sue anyone who violates moral rights based on article 98 of Law Number 28 of 2014 concerning Copyright, which reads:

a. The transfer of copyright to all works to another party does not reduce the right of the creator or his heirs to sue anyone who deliberately and without rights and without the consent of the creator violates the moral rights of the creator as referred to in article 5 paragraph (1);
b. The transfer of the economic rights of the performer to another party does not reduce the right of the performer or his heirs to sue everyone who deliberately and without rights and without the consent of the creator violates the moral rights of the performer as referred to in article 22.

If the owner of the prestige brand or creator has died and there is someone who has committed an act of infringing rights

exclusively without permission, the heirs can file a lawsuit in accordance with article 98 of Law Number 28 of 2014 concerning Copyright.

Trademark law in the United States, governed by the Lanham Act (15 U.S.C. §§ 1051 et seq.), provides broad protection to trademark owners, including prestige marks, from unauthorized use, misleading, or detrimental to the reputation of the brand. However, when infringement occurs in the form of parody, especially for commercial purposes such as advertising, US law applies a cautious approach, as it must strike a balance between brand protection and freedom of expression under the First Amendment of the US Constitution.

If the court decides that a parody of a prestige mark is a violation of the Lanham Act, the trademark owner can claim various forms of damages:

1. Actual *Damages*

   Compensate for direct economic losses resulting from the violation, such as decreased sales, reputational damage, or brand rehabilitation costs.

2. Disgorgement *of profits*

   The defendant can be required to hand over the profits obtained from the unauthorized use of the trademark.

3. Enhanced *Damages*

   In cases of *willful involvement*, the court may impose triple the *treble damages* and also impose legal costs.

4. Compensation in case of dilution

   In the case of dilution of a well-known brand, the trademark owner can obtain compensation if he can prove that the infringement was intentional.

Trademark law in the United States essentially provides protection against brands, including *prestige* brands, from adverse use, such as parody. While the law respects creative freedom, parodies used in the context of advertising or commercial promotions that may confuse consumers or damage a brand's reputation may still be subject to legal sanctions. If infringement is proven, the trademark owner has the right to claim significant damages, especially if the parody damages the exclusive image and commercial value of the parodied brand.

**Conclusion**

Advertising parodies of *brand prestige* have significant legal implications, especially related to the protection of intellectual property rights and brand reputation. Parody perpetrators can be held legally liable if the parody causes losses to the brand owner, either through defamation, image degradation, or consumer confusion. Although parody is a recognized form of freedom of expression, its use must be carried out with due regard to legal provisions so as not to infringe on the exclusive rights of the trademark owner. Therefore, legal protection of *brand prestige* is important to maintain the integrity and commercial value of brands in the market. Legal protection for *brand prestige* parodied in advertisements can be enforced through a lawsuit mechanism in the Commercial Court based on Law Number 20 of 2016 concerning Copyright, Law Number 28 of 2014 concerning Trademarks and Geographical Indications. The owner of the brand or his heirs has the right to demand the termination of the infringement as well as compensation for the economic and moral losses that arise. This approach reflects the principle of brand protection that is balanced with freedom of expression in the context of commercial parody.

Creators of advertising parody content need to be careful by ensuring that the work they create does not contain elements of fraud, mislead consumers, or violate brand and copyright rights to avoid legal sanctions. Brand *prestige owners* must implement preventive protection to protect the brand's reputation from abuse. The government and law enforcement play an important role in supervision, law enforcement, and education to business actors and the community to create a healthy business climate. Advertising and media companies must also make a strict selection of advertising content so that it does not contain parodies that harm *brand prestige* or violate the law. Owners of *prestige brands* who experience violations are advised to take legal steps preventively or repressively.

**Bibliography**


**Book**

Peter Mahmud Marzuki, Legal Research Revis Edition,. Prenada Media Group, Jakarta.2015, H.133

**Journal**

Sastradinata, Dhevi Nayasari, Ja'far Shodiq, and Syahrul Hikmah Maulana. "Criminal Liability in Cases of Counterfeiting Excise Stamps under Indonesian Excise Law." *Journal of the Independent* 13, no. 1 (2025): 95-102.

Utama, Yuliana, Rika Ratna Permata, and Ranti Fauza Mayana. "Brand Protection Based on Differentiating Power Levels Reviewed from the Doctrine of Brand Dilution in Indonesia." *Acta Diurnal Journal of Notary Law* 5, no. 1 (2021): 139-153.

Nahdliyah, Hadziqotun, M. Yanto, and Rika Izatul Fitri. "Legal Protection for the Owner of Brand Rights According to Law Number 20/2016 of Trademark and Geographical Indication (Trademark And

Geographical Indication)." *Journal of the Independent* 13, no. 1 (2025): 56-64.

Devi, Sita Nur Ramdhani. "Analysis of Legal Protection Against Known Foreign Trademark Holders from Infringement in Indonesia." *Journal of Swara Justisia* 8, no. 2 (2024): 258-275.

Sukalandari, Ni Wayan, I. Nyoman Putu Budiartha, and Putu Ayu Sriasih Wesna. "Trademark plagiarism dispute between Ms Glow and Ps Glow." *Journal of Legal Analogy* 5, no. 1 (2023): 48-54.

**Thesis**

Rusdi, Puspitasari. "Criminal Liability for Fraud Perpetrators by Hypnotic Means (Decision Number 161/PID. B/2019/PN. Mak)." PhD diss., Hasanuddin University, 2020.

**Legislation**

Criminal Code (KUHP). Civil Code.

Law of the Republic of Indonesia Number 5 of 1999 concerning the Prohibition of Monopoly and Unfair Business Competition.

Law of the Republic of Indonesia Number 32 of 2002 concerning

Broadcasting. Law Number 28 of 2014 concerning Copyright.

Law Number 19 of 2016 concerning Information and Electronic Transactions.

Law Number 20 of 2016 concerning Trademarks and Geographical Indications.

The Lanham Act (15 U.S.C. §§ 1051 et seq.), the Lanham Act is the primary federal statute that regulates trademarks, *service marks*, and protection from unfair trade practices in the United States.

**Others or the Internet**

https://so05.tci-thaijo.org/index.php/TBLJ/article/view/111715?utm_source will be accessed on May 26, 2025.

Fair Use for Parody, Satirism, Caricature and Pastiche 39 Singapore Law Review 2021-2022 accessed on 26 May 2025.

Campbell v. Acuff-Rose Music, Inc. | 510 U.S. 569 (1994) | Justia U.S. The Supreme Court Center will be accessed on May 26, 2025.