



THE IMPORTANCE OF TRADEMARKS FOR SELLERS ON TIKTOK SHOP & SHOPEE

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ABSTRACT

The rapid growth of e-commerce platforms such as TikTok Shop and Shopee has created significant opportunities for entrepreneurs to expand their market reach and boost sales. However, in the midst of intense competition, a registered trademark becomes a critical factor in distinguishing one seller from another. The core issue addressed in this study is the lack of awareness among many sellers about the importance of trademark registration and protection, which can lead to brand disputes or identity theft. This study aims to analyze the strategic role of trademarks in building consumer trust and increasing product value on these two digital platforms. A descriptive qualitative approach was employed, using case studies of 10 active sellers on TikTok Shop and Shopee. Data were collected through in-depth interviews, observation of branding activities, and documentation of shop profiles. The findings indicate that sellers with registered trademarks and consistent branding strategies are more likely to attract consumers, gain customer loyalty, and enjoy legal protection for their products. In contrast, sellers without trademarks often struggle to build market trust and are more vulnerable to product imitation. In conclusion, a trademark serves not only as a business identity but also as a strategic asset that significantly impacts the sustainability and growth of online sellers in the digital era. Therefore, it is crucial for online entrepreneurs to understand and apply trademark protection from the outset of their business journey.

Keywords: Trademark, E-commerce, TikTok Shop, Shopee, Branding, Legal Protection, Consumer Trust

1. INTRODUCTION

In today's digital age, e-commerce platforms such as TikTok Shop and Shopee have become the main outlets for Micro, Small, and Medium Enterprises (MSMEs) to market their products widely (Harahap et al., 2024). Easy access and the potential for large market reach make these platforms a strategic choice for business development. However, amid increasingly fierce competition, protecting business identity through trademark registration is often overlooked. In fact, a trademark is not just a symbol or name, but a representation of the reputation, quality, and consumer trust in the product. Without adequate legal protection, businesses risk facing trademark abuse by other parties, which can be detrimental both financially and to their reputation.

According to Law Number 20 of 2016 concerning Trademarks and Geographical Indications, trademark registration provides exclusive legal protection to its owner, thereby preventing other parties from using the same or similar trademarks without permission (Indonesia 2016). This is important to ensure business sustainability and growth amid the ever-evolving dynamics of the digital market. Research by Supriyanto shows that TikTok Shop contributes significantly to the increase in MSME sales compared to Shopee, with sales reaching 82% through TikTok Shop. However, without adequate trademark protection, this success could be threatened by irresponsible actions such as product counterfeiting or unauthorized use of trademarks (Supriyanto et al. 2023).

RESEARCH METHODE

This study uses a descriptive qualitative approach, which aims to describe and analyze in depth the importance of trademarks for businesses on the TikTok Shop and Shopee platforms. This method was chosen because it provides a more holistic understanding of the phenomenon observed based on non-numerical data.

The main method used is library research. In this case, the researcher collected data and information from various relevant literature, such as scientific journals, trademark law books, and national legislation, particularly Law of the Republic of Indonesia Number 20 of 2016 concerning Trademarks and Geographical Indications. This literature was used to strengthen the theoretical basis and provide a legal context regarding trademark protection in Indonesia.

In addition to literature studies, this research also includes online observation of real events occurring on the internet. The observation was conducted by observing several active sellers on TikTok Shop and Shopee, both those who already have registered trademarks and those who do not. The researchers also studied trademark dispute cases that had been in the public spotlight through online media and social media, such as trademark disputes between local sellers and other parties using similar trade names. The data from these observations was used to examine the direct impact of the presence or absence of trademark protection on the business continuity of sellers.

By combining these two methods, namely literature study as a theoretical basis and online observation as empirical data, this study attempts to provide a comprehensive picture of the urgency of trademark protection in the realm of digital commerce. This

approach is expected to help business actors, especially MSMEs, in realizing the importance of legal measures in maintaining the existence and growth of their businesses in the long term.

2. RESULT AND ANALYSIS

The Role and Protection of Trademarks in Digital Marketing: A Theoretical and Legal Review Based on Law No. 20 of 2016 and Expert Perspectives

Brands are an important element in the world of commerce, including in digital ecosystems such as TikTok Shop and Shopee. According to Law of the Republic of Indonesia Number 20 of 2016 concerning Trademarks and Geographical Indications, a trademark is a sign that can be displayed graphically, which is used to distinguish goods and/or services produced by a person or legal entity in commercial activities. Meanwhile, a trademark is a brand used on goods traded by a person or legal entity to distinguish similar goods from other business actors (Indonesia 2016). Thus, a brand is not just a visual symbol, but also a representation of business identity that plays an important role in building consumer trust and loyalty amid increasingly fierce digital competition.

Marketing experts also highlight the importance of branding in business development. According to Philip Kotler, brands serve as a means of product identification, quality assurance, promotion, and shaping the company's image in the eyes of consumers (Utomo, B and Waluyo, D 2018). Meanwhile, David A. Aaker adds the concept of brand equity, which is the added value that a brand gives to a product, which includes four main components: brand awareness, brand association, quality perception, and customer loyalty (Pelanggan and Merek 2024). A strong brand can create differentiation and strengthen its position in the digital market, making it a strategic tool for creating competitive advantage.

In legal terms, Law No. 20 of 2016 provides protection to brand owners by granting them exclusive rights to use and control the use of their brands. These rights are only granted to brand owners who have officially registered their brands with the Directorate General of Intellectual Property (DJKI). This law also prohibits trademark counterfeiting and states that violations of trademark rights are subject to criminal penalties and fines of up to two billion rupiah (Indonesia 2016). This legal protection is particularly important in the context of online commerce, where the risk of plagiarism and trademark counterfeiting is very high.

As digital platforms continue to evolve, the concepts of branding and positioning have become increasingly relevant. Branding is not just about creating an attractive logo or name, but also the process of building brand perception in the minds of consumers through consistency in quality, communication, and the values offered. Positioning relates to how a brand is placed in the minds of consumers in a competitive market context (Wibowo, Utami, and Pratiwi 2020). In the digital world, sellers who successfully manage their brands tend to stand out more and gain customer trust compared to sellers who do not have a strong brand identity.

Visual Branding & Store Name Strategies on Various E-Commerce Platforms: Feature Analysis, Algorithms, and Case Studies of Successful Sellers

In this rapidly growing digital era, e-commerce platforms such as TikTok Shop and Shopee have become two major forces that offer great opportunities for Micro, Small, and Medium Enterprises (MSMEs) to market their products. These two platforms have different characteristics, both in terms of features, algorithms, and target markets.

TikTok Shop leverages the power of short video content and live streaming, which are integrated directly into its social media application. Its algorithm relies heavily on user interactions such as likes, comments, and viewing time to display content on the “For You” page, which is personalized for each user (Boeker and Urman 2022). This creates a great opportunity for sellers to reach a wide audience with viral and engaging content.

On the other hand, Shopee relies more on promotional strategies and features such as free shipping, flash sales, and daily campaigns to attract users. Its search algorithm considers keyword relevance, sales performance, and store activity levels (Nadiansyah, Indrawan, and Almujab 2022). Shopee also targets urban markets and young female consumers, particularly in the fashion, beauty, and home furnishings categories (Cina et al. 2024).

In the context of visual branding, both platforms require a careful approach. Visual branding, which includes logo design, color palette, photo style consistency, and feed aesthetics, greatly influences consumer perceptions of a store's professionalism and credibility (Prawira et al. 2024). The store name also plays an important role in building brand recall, especially on highly competitive platforms such as Shopee and TikTok Shop (Hiranandani, Maneriker, and Jhamtani 2018).

A simple example can be seen in the seller “GlowUpSkincare,” a local MSME that sells skin care products. They use a consistent visual branding approach: pastel pink colors, a minimalist logo, and harmonious video tutorial content on TikTok Shop. In addition, on Shopee, they have a professional store layout, as well as highly curated product descriptions and customer reviews. This integrated branding strategy helps GlowUpSkincare build customer trust and maintain loyalty across platforms (Manzil and Vania 2023).

Legal Protection against Plagiarism and Trademark Counterfeiting and Its Impact on Consumer Trust, Business Value, and Business Expansion

The development of e-commerce platforms such as TikTok Shop and Shopee has made transactions easier, but it has also presented legal challenges, particularly in relation to plagiarism and counterfeiting. Counterfeit products, especially those imitating well-known brands, are widely circulated due to the lack of control over product listings. This harms legitimate businesses and confuses consumers. Brand protection is regulated in Law No. 20 of 2016 concerning Trademarks and Geographical Indications, which grants exclusive rights to registered trademark owners (Indonesia 2016).

However, law enforcement remains weak in the digital realm. A study by Kenjiroh and Hosna found that TikTok Shop is still a hotbed for the distribution of counterfeit goods due to the lack of verification of sellers (Kenjiroh 2025). Weak public awareness of the law and suboptimal cooperation between platforms and the government exacerbate the situation (Merek, Di, and Tiktok 2024).

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Consumers tend to buy products from sellers with official brands, as this provides a guarantee of product quality and authenticity. Studies show that consumer trust in Shopee Mall is higher due to verified store identities and guarantees of authentic products (Vira Rahmadayanti and Nasution 2022). Conversely, the large number of unofficial stores on TikTok Shop causes consumer concerns about the possibility of counterfeit goods⁵. Sellers who have legal protection for their brands also find it easier to build a reputation and avoid legal disputes, increasing customer loyalty and creating a safer and more professional shopping experience (Ham and Harapan 2024).

A brand is not just a symbol, but also an intangible asset with high economic value. In a study by Mayasari et al., it was found that brand strength significantly affects the performance of MSMEs in e-commerce through consumer trust and product value perception (Mayasari, Indyastuti, and Daryono 2023). Brands also serve as instruments for market differentiation and strengthening the competitive position of business actors. With a registered brand, business actors can assess business valuation, attract investors, and even use the brand as collateral in applying for business financing.

Brand protection also facilitates business expansion through franchising, resellers, or partnerships. Research on the Sunan Drajat department store development model shows that protection of local brands helps the white label and franchising processes to be more organized and trusted by the market (Ekonomi and Maisari 2021). TikTok Shop and Shopee facilitate the reseller model, but brand protection prevents third parties from misusing brand names to sell counterfeit products (Tasikmalaya and Barat 2022). In addition, legally protected brands allow their owners to take legal action against business partners who violate licensing agreements or product quality, maintaining brand quality during expansion.

Protecting brands from plagiarism and counterfeiting is an important step for digital businesses. Legal protection not only safeguards business identity, but also strengthens consumer trust, increases asset value, and paves the way for healthy and sustainable expansion on platforms such as TikTok Shop and Shopee.

The Impact of Brand Piracy in Marketplaces: Analysis of Loss of Store Name Rights, Financial and Reputational Losses, and Limitations on Business Collaboration

Brand piracy in marketplaces is a serious problem that can harm brand owners, consumers, and the country's economy. According to Aziz, counterfeiting of well-known brands in marketplaces takes various forms and is often difficult to detect. Existing legal protections, such as the Trademark and Geographical Indications Law in Indonesia, still face various challenges in their implementation. Comprehensive measures involving the active participation of trademark holders, the government, and marketplace platforms are needed to improve the effectiveness of protection and law enforcement against counterfeiting of well-known trademarks (Taufan Syahyudha Aziz, Terubus, Sudjai, Didit Darmawan 2024).

Loss of rights to a store name on a platform or social media can occur when another party registers the name first. This can result in the original brand owner losing their digital identity, which is important in building consumer trust. For example, in the “Bensu” case, there was a dispute between Ruben Onsu and another party who had registered the brand first, even though Ruben Onsu had been using the name in his business for a long time (Syaifulloh 2024).

The potential financial and reputational losses resulting from brand piracy are significant. Consumers who are deceived by counterfeit products bearing well-known brands may lose trust in those brands, leading to a decline in sales and brand image. In addition, the owners of the original brands must incur additional costs to mitigate these negative impacts, including legal and re-marketing costs. According to Aziz, counterfeiting of well-known brands in the marketplace can damage the brand's reputation and reduce consumer confidence, which ultimately leads to a decline in sales and company revenue (Taufan Syahyudha Aziz, Terubus, Sudjai, Didit Darmawan 2024).

Limitations in collaboration and business legality are also impacts of brand piracy. Companies that want to collaborate with brand owners may hesitate if there are legal disputes related to the ownership of the brand. In addition, businesses that do not have rights to the brands they use may face legal problems, which hinder their business growth and expansion. According to Sukmadewi, brand regulation in Indonesia is governed by Law No. 20 of 2016 concerning Brands and Geographical Indications, but this is not balanced with awareness of brand registration, especially among MSMEs. The lack of attention from relevant institutions is an obstacle to the implementation of brand protection for business actors (Sukmadewi 2018).

Trademark piracy on marketplaces such as TikTok Shop and Shopee has various negative impacts, ranging from loss of store name rights, financial and reputational losses, to limitations in collaboration and business legality. To overcome this problem, it is important for businesses to immediately register their trademarks officially. In addition, e-commerce platforms also need to tighten seller verification and take firm action against trademark violations to protect consumers and original trademark owners.

Analysis of Trademark Disputes, Branding Success, and Consumer Perceptions in E-Commerce: A Case Study of Sellers on Shopee and TikTok Shop

In an increasingly competitive digital age, brand protection and branding consistency are crucial factors for sellers' success on e-commerce platforms such as TikTok Shop and Shopee. The trademark dispute between TikTok Ltd. and Fenfiana Saputra, an entrepreneur from Bandung, highlights the importance of official trademark registration. Fenfiana successfully defended his rights to the "Tik Tok" trademark, which he had registered in 2009 for clothing products, despite TikTok Ltd.'s attempt to sue him in 2024. The Central Jakarta Commercial Court rejected TikTok Ltd.'s lawsuit, affirming that the "first to file" principle grants exclusive rights to the party who first registered the trademark (Irfan Kamil 2025).

The seller's success in building a strong brand is also reflected in the case study of The Originote on TikTok Shop. Research shows that brand awareness has a positive and significant influence on consumer purchasing decisions. With a consistent branding strategy and proper brand protection, The Originote was able to increase consumer trust and encourage impulse purchases.

Consistency in branding and effective brand protection can increase consumer trust and encourage purchasing decisions. Research by Mokodompit shows that customer reviews and trusted payment systems on TikTok Shop have a significant influence on consumer purchasing decisions (Mokodompit, Lapian, and Roring 2022). This emphasizes the importance of building a consistent and trustworthy brand image on e-commerce platforms.

Consumers tend to trust and be more loyal to stores that have official trademarks. Research found that social media marketing and brand image have a significant influence on consumer purchasing decisions on Shopee, mediated by electronic word of mouth (e-WOM) (Sanjaya, Ambarwati, and Lesmanawati 2022). This shows that official trademarks can strengthen brand image and increase consumer trust through digital word of mouth recommendations.

Brand protection and branding consistency play an important role in building consumer trust and loyalty on e-commerce platforms. The TikTok Ltd. vs. Fenfiana Saputra trademark dispute case emphasizes the importance of official trademark registration. Meanwhile, effective marketing strategies and strong brand protection, as practiced by The Originote and Shopee, can create a sustainable competitive advantage.

CONCLUSION

Trademark protection and management play a vital role in an increasingly competitive digital marketing ecosystem, especially on platforms such as TikTok Shop and Shopee. Brands not only serve as a marker of business identity, but also as a strategic asset that builds consumer trust, creates loyalty, and strengthens market position. Legally, Law No. 20 of 2016 grants exclusive rights to registered trademark owners and imposes penalties for violations, but its implementation still faces challenges, especially in the digital space.

Cases of plagiarism and brand piracy show that ignorance or negligence in brand registration can cause significant losses, both financially and in terms of reputation. Consistent visual branding and a strong store name have been proven to have a positive impact on consumer perception and purchasing decisions. Case studies such as GlowUpSkincare, The Originote, and the TikTok vs. Fenfiana Saputra dispute case confirm that legal protection of brands can be a significant differentiator in the success of a digital business. Therefore, it is important for businesses, especially MSMEs, to immediately register their brands, maintain brand identity consistency, and understand the importance of legal protection for the sustainability and healthy expansion of their business.

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