

CHAPTER IV

CONCLUSION

A. Conclusion

1. The regulation on the use of well-known marks on Metaverse platforms under Indonesian legislation is insufficient to address the potential misuse or infringement of well-known marks in the virtual world, particularly on Metaverse platforms like Roblox. Although the Trademarks Act provides the legal basis for the protection of well-known marks, its application in the digital context remains limited. The existing regulations do not fully accommodate the new dynamics emerging in virtual spaces, such as the creation and use of virtual goods or characters that may infringe on well-known marks. This is due to the ambiguity in the regulation of trademark use in the online world and the limitations of the laws governing the interaction between the physical and digital worlds, which are essential for protecting the rights of well-known marks holders on Metaverse platforms.
2. The legal protection for the use of well-known marks in Roblox games under the Trademarks Act in Indonesia consists of both preventive and repressive protection. Preventive protection is provided through Article 21, which mandates the registration of trademarks as a prerequisite for acquiring exclusive rights to the mark, allowing the trademark owner to protect their rights both in the physical world and in the virtual space. On the other hand, repressive protection is governed by several provisions, namely Article 42,

which addresses trademark infringements, allowing the trademark owner whose rights have been violated to seek damages or request the cessation of infringing use; Article 83, which enables trademark owners to file lawsuits in court or resolve disputes through administrative mechanisms provided by the Directorate General of Intellectual Property (DGIP); and Article 100, which states that administrative actions such as revocation of trademark registration or cancellation of trademark rights may be taken against trademarks that violate legal provisions, including the unauthorized use of well-known marks. While the Trademarks Act provides a legal foundation for the protection of well-known marks, the enforcement of this law in virtual spaces like Roblox still needs to be strengthened, as the existing regulations do not specifically address the challenges arising on Metaverse platforms, such as the differences between physical and virtual goods.

B. Recommendations

1. To strengthen legal protection for well-known marks in the digital space, it is essential to broaden some definition in Act No. 20 of 2016 to explicitly include virtual goods, digital services, virtual representations of goods and services, and other intangible assets within Metaverse platforms. The current definition, which is primarily focused on physical goods and services, does not fully accommodate the realities of digital commerce where trademarks are used in virtual environments. By expanding the legal scope, Indonesia can provide stronger legal standing for brand owners against unauthorized use of their

marks in digital spaces. Furthermore, specific definition in the regulations should be developed to define enforcement mechanisms for trademark infringements involving virtual goods, including procedures for dispute resolution and sanctions for violations. Collaboration between the government, trademark owners, and platform providers is needed to ensure that the implementation of the law is effective and efficient.

2. Further research is needed to explore other aspects of the Metaverse, such as Non-Fungible Tokens (NFTs) or virtual marketplaces, which are also susceptible to trademark infringements. A comprehensive approach combining law, technology, and economics is necessary to fully understand the complexities of infringement in the digital space. On the other hand, Roblox, as one of the Metaverse platforms, must take preventive steps by implementing strict and systematic oversight mechanisms. The platform provider should facilitate the reporting of trademark violations and conduct regular checks for unauthorized use of well-known marks to prevent misuse by irresponsible parties. Furthermore, it is recommended that Roblox adopt blockchain technology in their monitoring systems. Blockchain technology can help create transparent and secure digital traces of ownership and usage of virtual assets, including well-known marks. By leveraging blockchain, Roblox can ensure that every use of a trademark is tracked more efficiently and accurately, providing a higher level of protection against intellectual property violations. With these measures, Indonesia can build a more resilient and responsive legal protection system in line with technological advancements.