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Classification of the Use of Famous People's Names as Usernames of X (Twitter) Accounts Under Indonesian Law

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ABSTRACT

Nowadays, Famous People's Names are not only used as personal identifiers but can also be used in other media, such as usernames on social media. This trend has raised concerns regarding Famous People's Names being at risk of being misused by irresponsible parties. This article explores the legal basis of legal protection against the use of Famous People's Names as the usernames of X (Twitter) accounts based on Indonesian Law, namely the Information and Electronic Transactions Law (ITE Law), the Personal Data Protection Law (PDP Law), and the Trademark and Geographical Indication Law (MIG Law). The method used by researchers in reviewing this article is the normative juridical method, which analyzes existing literature and legal materials. This article concludes that using Famous People's Names as usernames on social media, also known as "username squatting," is illegal and constitutes an unlawful act (PMH). X (Twitter), as a User Generated Content-based Electronic System Operator (PSE), has a safe harbor policy as an administrative measure regarding the liability of username squatting. Legal remedies, both civil and criminal legal actions, can also be taken to hold the perpetrator of username squatting (squatter) accountable.

Keywords: famous people's names; username; social media x (twitter).

INTRODUCTION

In recent years, information and communication technology (ICT/TIK) has grown rapidly, affecting various aspects of life and fostering an Information Society in the era of Industry 5.0. The Information Society as a community, centers all forms of social and economic activities on Information and Communication Technology.¹ This evolution reflects Alvin Toffler's theory of the development of society. It was stated in his book that over time, society continues to develop, and this development is divided into three waves, of which the last stage is the Information Society.² In other words, the term "Information Society" is used to highlight

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¹ Quoted from William H. Dutton, *Information Society*, in: *Encyclopedia of International Media and Communications*, Elsevier, Amsterdam, 2003, p. 407.

² Alvin Toffler, *The Third Wave: The Classic Study of Tomorrow*, Bantam Books, New York, 1981, p. 173.

the growing role of technology and information in the way individuals and groups live.

This is reflected in social media, which essentially is a form of the Information Society. One form of such society is the users of social media X (formerly Twitter). To use social media X, users must first have an account. The X account itself requires a username as one of its identifiers, making it inseparable. Usernames are unique in the way they have a "first come, first served" principle, meaning that one username can only be used by one user account. Starting from this point, many people begin to see usernames as a business opportunity and create empty accounts using the Names of Famous People or people with the potential to be famous such as artists/celebrities who will debut and trade the username.

The trading of usernames associated with Famous People's Names is not a new thing on social media X, particularly in fan circles. Fans usually choose usernames that reflect the name or character of the figure they idolize. This is also one of the reasons people are trading usernames. Username sellers generally promote the usernames they sell through a tweet. Also, there are several classifications to set the price of a username.

The act of trading username is a form of username squatting, which is an act where there is a registration or use of a username that is similar or the same as a trademark, company name, or personal name without permission, followed by trying to resell the said username to its legal owner or to another party.³

X as a platform has established regulations regarding username squatting in its Rules and Policies. It is said that an account can be considered username squatting if it intentionally misleads the public by using a username associated with a particular trademark. This can be done by impersonation, which is by setting up a profile to look as if it represents another party, such as using someone else as a profile picture, or simply by using Famous People's Names as usernames. According to X's Rules and Policies, accounts engaging in this practice – whether by misleading the public or impersonating others – can face permanent suspension.⁴

This poses a risk for famous people whose names are used by another party without their permission, as they can be harmed morally and materially. Not only that the famous person, as the rightful owner, is unable to use their name, but the username is also prone to be misused, such as being sold and resold to another party.

In Indonesian positive law, the term "name of a famous person" appears in the explanation of Article 23 of Law Number 11 Year 2008 on Electronic Information and

³ Muhamad Amirulloh, *Cyberlaw: Perlindungan Merek dalam Cyberspace (Cybersquatting terhadap Merek)*, Refika Aditama, Bandung, 2017, p. 20.

⁴ X, "Username Squatting Policy," accessed via <https://help.x.com/id/rules-and-policies/x-username-squatting>.

Transactions (ITE Law) and Article 21 paragraph (2) letter a of Law Number 20 Year 2016 on Geographical Indication Law (MIG Law), which covers Domain Names, Intellectual Property Rights, and Protection of Personal Rights. In addition, name-related protection is also regulated in Law Number 27 Year 2022 on Personal Data Protection (PDP Law), where Article 4 paragraph (1) and Article 4 paragraph (3) states that Personal Data consists of specific and general Personal Data, with full names included in the general Personal Data category. Even so, there is a blurring of the nature of the regulatory norms regulated in Article 23 paragraph (2) of the ITE Law and Article 21 paragraph (2) of the Trademark Law, especially regarding its use as a username on social media X.

In other words, it can be concluded that names, especially Famous People's Names, are included in a person's personal rights that must be protected by law and the use of Famous People's Names as usernames in buying and selling activities on social media X is a new form of legal action that arises due to the development of ICT today. However, the current regulations in Indonesia do not cover the use of a famous person's name as a username. Based on the depiction above, this article will examine the classification of the use of a Famous Person's Name as a username of an X account based on the positive law applicable in Indonesia. First of all, it will describe how the use and sale of a Famous Person's Name as a username of social media account X by other parties under the relevant positive law. Next, it will explain what legal remedies can be taken by a Famous Person whose name is used by another party as a username for social media account X based on the relevant positive law.

RESEARCH METHODS

This study employs a normative juridical approach method. The normative juridical method is a method that is guided by applicable laws and regulations, also known as positive law.⁵ This research is conducted by analyzing literature sources or secondary data which includes primary legal materials, secondary legal materials, and tertiary legal materials as the main material for writing.⁶

⁵ Bambang Sunggono, *Metodologi Penelitian Hukum*, PT Raja Grafindo Persada, Jakarta, 1997, p.32.

⁶ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Rajawali Press, Jakarta, 2001, pp.12-15.

DISCUSSION

Identification of the Use and Sale of a Famous Person's Name as a Username on Social Media Account X (Twitter) by Other Parties Under Indonesian Law

The use of famous people's names is not a new phenomenon on the internet. Since the advent of the WWW (World Wide Web), there have been many people who have tried to usurp the use of Famous People's Names as domain names for internet sites, also known as cybersquatting. One example of a cybersquatting case is the case of www.juliaroberts.com involving Hollywood's top celebrity, Julia Roberts, and an American citizen, Russel Boyd. Along with the development of Technology, Information, and Communication (ICT), the use of Famous People's Names has also developed from what was previously only applied to internet site domain names, now it is also used as a social media username or better known as username squatting.

The main difference between cybersquatting and username squatting lies in its use. In cybersquatting, the squatted name is used as a domain name for an internet site (website). whilst, in username squatting, the name is used as a social media account username. The similarity between the two is the principle of first come first serve, which means that the first person to register the domain name or username will get it. Once registered, the name cannot be used by anyone else. Even so, there are still differences in the registration process. For usernames, it is enough to register on social media without the need to go through a substantial test; as long as the username has not been used, it can be owned immediately. In contrast, for domain names, registration must be done through a registrar and involves a substantial test by submitting several documents according to the desired domain name category.

According to Ahmad M. Ramli, actions in cyberspace or cyberspace are included in real legal actions and actions so that the perpetrators are also included as people who have carried out real legal actions.⁷ Based on this view, the use of Famous People's Names as usernames is a real form of ICT development that should also be followed by the development of the law that covers it. The Constitution of the Republic of Indonesia (UUD) states the right and obligation to respect each other's human rights, including the right to privacy of individuals.⁸ This includes the name of a famous person. Protection related to names can also be found in the PDP Law. Article 4 paragraph (1) of the PDP Law states that full names are included in general Personal Data. In the explanation of Article 23 Paragraph (2) of the ITE Law, the phrase "name of a famous person" also appears and it is stated that the ownership and use of domain names must not violate

⁷ Ahmad M. Ramli, *Cyberlaw dan HAKI dalam Sistem Hukum Indonesia*, Refika Aditama, Bandung, 2004, p. 3.

⁸ Article 28G and 28H The 1945 Constitution of the Republic of Indonesia.

the rights of others, including the Name of a Famous Person. In addition, names are also protected under Trademark Law. It is stated in Article 1 number 1 of the MIG Law that:

“Mark means any sign capable of being represented graphically in the form of drawings, logos, names, words, letters, numerals, colors arrangement, in 2 (two) and/or 3 (three) dimensional shape, sounds, holograms, or combination of 2 (two) or more of those elements to distinguish goods and/or services produced by a person or legal entity in trading goods and/or services.”

According to the article, a famous person's name can be considered to fall under trademark protection, though the name has not been officially registered as a trademark. The original owner of the famous name retains the right to use the name as a trade name, which has the added value of being an artist or celebrity.⁹

Famous People's Names in the form of usernames are considered movable and intangible objects, thus the legal protection is based on the principle of *Droit de Suite*. Even though its use is not conventional, the original owner of a famous name still has exclusive rights to their name when it is used as a username on social media. This is based on the idea that a Famous Person's Name, which was originally an individual right, developed into an intangible right (as an asset in the ICT world) in the form of a username. This is what causes a Famous Person's Name, even though it has been recognized by the general public, does not mean that the name becomes public property. The Famous Person's Name remains the exclusive right of the famous person so that only the original owner of that name has the right to use it. This is in line with Article 1 Point 5 of the MIG Law which states that the right to Trademark is basically the exclusive right of the registered Trademark owner where the right is granted by the state to be used for a certain period, either being used by themselves or giving permission to other parties to use it.

Famous People's Names also have the Right of Publicity which provides protection and control over the online and economic privacy of their names. The Right of Publicity protects a person's moral rights, such as their self-image, as well as the commercial benefits they derive. Using a Famous Person's Name as a username violates the moral and economic rights of the famous person in question. It can affect their hard-earned image and deprive them of the potential economic benefits of unauthorized use of their name. The use and trade of Famous People's Names as usernames on social media X also violates the principle of *Nemo Plus*, which means that one cannot grant more rights than one has. Squatter as the appropriator of the Famous Person's Name does not have any rights to the name, including to transfer or trade it.

⁹ Muhamad Amirulloh and Nyulistiowati Suryanti, *Cybersquatting Terhadap Nama Orang Terkenal*, Kalam Media, Bandung, 2015, p. 58.

Article 21 paragraph (2) letter a of the MIG Law states that the application for Trademark registration will be rejected if the Trademark is similar/identical to the name or abbreviation of the name of a famous person, photograph, or the name of a legal entity owned by another person (excluding if it is with the written consent of the party entitled to the mark). The rejected name is based on the full name, a surname that has high distinguishing power, and/or name abbreviation.¹⁰ Furthermore, Article 21 paragraph (3) of the MIG Law states that the application is also rejected if it is filed by an Applicant in bad faith. In practice, someone can have the same name as a famous person. Therefore, the similarity in its entirety or in essence needs to be seen further through the lens of the principle of Good Faith.

Regarding the indicators of Bad Faith, we can refer to the Uniform Domain-Name Dispute-Resolution Policy (UDRP) and the Trademark Cyberpiracy Prevention Act/Anticybersquatting Consumer Protection Act (TCPA/ACPA). This can be seen in UDRP Article 4(b) on Evidence of Registration and Use in Bad Faith and in TCPA/ACPA Article 1125(d)(1)(B). Both articles mentioned various indicators of Bad Faith that can be used to assess whether someone is using a Famous Person's Name based on Good Faith or not. From these two articles, it can be concluded that there are at least factors that need to be considered regarding username squatting.

These factors are the presence or absence of a name (which may be a full name or other designation) that is generally recognized as the name of the famous person; intention in registering the name to prevent the owner of the name from using the name; intention in registering/acquiring the name for the purpose of selling, leasing, or transferring it to the original owner of the name or other parties; intention in seeking commercial gain, by creating a likelihood of confusion with the original name owner regarding the source, sponsorship, affiliation, or so forth; intention to move consumers or the public from the original account of a famous person to another accessible account that may damage his or her reputation, whether for commercial gain or for the purpose of defaming or disparaging the name, by creating the possibility of confusion about the origin, sponsorship, affiliation, or endorsement of the site; the person's attempt to offer to transfer, sell, or assign a domain name containing the mark of another person to the original owner of the famous name in question or to another party for consideration without using, or intending to use, it.

Based on these indicators, someone can be considered not to have good faith in registering a username if it is proven that there are similarities within the username with

¹⁰ Bima Adimanggala and Tatty Aryani Ramli, "Penggunaan Nama Orang Terkenal sebagai Merek Ditinjau dari UU Merek dan Prinsip *Droit De Suite* terhadap Putusan Hakim", *Jurnal Prosiding Ilmu Hukum*, 2021, p. 689.

a Famous Person's Name, intended to obtain the username so that others cannot use it, and intended to benefit from the username. If the user's name is the same as a famous person's name, then they must be able to prove the truth of the matter. However, if the similarity of the name is followed by an attempt to create confusion about and/or an attempt to sell the username, then it can be said that the user has bad faith in the registration and use of the username and can be qualified as a perpetrator of username squatting, also known as squatter.

The principle of bad faith in the act of username squatting against Famous People's Names is also included in Article 28 paragraph (1) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) regarding false notifications or misleading information that causes material harm to consumers in Electronic Transactions. Through the lens of extensive interpretation, username squatting is included in the act of spreading false and misleading news that results in harm because it can create confusion about Famous Names and harm the original owner of the name.

Despite these regulations, there are still weaknesses in the protection of Famous Names based on existing laws and regulations in Indonesia. Even so, this is not necessarily a reason not to protect the rights of a famous person whose name is misused in the use and sale of usernames based on his name. Further interpretation in the form of teleological interpretation¹¹ and assessment based on related principles are needed so that existing regulations can cover the protection of usernames as well as ensure the protection and legal certainty of Famous People's Names.

In addition to the legal approach, another way to maintain security in cyberspace can also be done through a technological approach, such as by verifying social media accounts and creating a Safe Harbor Policy. In X's Terms and Conditions as well as Regulation, it is said that an account must not violate the intellectual property rights of others, including copyrights and trademarks, as well as prohibited from misusing the identity of individuals, groups, or organizations or using fake identities to deceive others.

In X's general rules, username squatting falls under the classification of authenticity. X users are prohibited from impersonating individuals, groups, or organizations to mislead, confuse, or deceive others, or using false identities. This can be considered to occur if there are at least two identity elements, such as names, images, or

¹¹ The teleological interpretation method is an attempt to interpret laws and regulations by using the approach of new social relations and situations.

false claims of affiliation with other entities in their profiles or posts.¹² In other words, X users are prohibited from using fake news in the creation or use of profiles and posts by using the identity of another entity that is not the original account owner. X users are also prohibited from violating the intellectual property rights of others, including copyrights and trademarks. The name of a Famous Person is protected by Trademark Law so violations of it will receive protection under Article 21 paragraph (2) letter a of the MIG Law and Article 23 paragraph (2) of the ITE Law. In addition, related transactions are also an offense and may result in account suspension.¹³

Legal Actions that Can Be Taken by the Owners of Famous People's Names harmed by the Use of Their Names as Usernames on Social Media Account X (Twitter) by Other Parties

In the case of username squatting against Famous People's Names, the victims can both suffer moral and economic losses, that is why the principle of Property Used in Trade/Business can be applied. A famous person's name, especially in the entertainment world, has a special distinction and image in business. According to the principle of passing off in U.S. and U.K. trademark law, a famous person's name must be identifiable as the source of certain goods or services, hence its use is the exclusive right of the famous person to exploit their name.¹⁴ The meaning of passing off itself is the act of someone who takes a shortcut accompanied by a pretext that violates the law, ethics and decency so that there is a bad faith intention to ride on the reputation of a famous person.¹⁵

In the 20th century, U.S. courts blended aspects of trademarks and trade names in favor of trademark owners. This can be seen from what happened in 1946, where Congress unified the common law protection of trademarks used in interstate commerce through the Lanham Act which standardized the blending and required that unauthorized use relate only to the goods/services sector. After the Second World War, the courts expanded the scope of protection to include complementary products and services, including almost anything that serves as a source identifier by including a

¹² X, "Misleading and Deceptive Identities Policy," accessed via <https://help.x.com/en/rules-and-policies/x-impersonation-and-deceptive-identities-policy>.

¹³ X, "Username Squatting Policy," accessed via <https://help.x.com/id/rules-and-policies/x-username-squatting>.

¹⁴ Muhamad Amirulloh, "Prinsip-Prinsip Hukum Terkait Perlindungan Nama Orang Terkenal Sebagai Nama Domain di Indonesia," *Sosiohumaniora*, 18:2, 2016, p. 156.

¹⁵ R. Djubaedillah Muhamad Djumhana in Lutfiya Arinda Putri Ananta and Rianda Dirkareshza, "Ius Constituendum Terhadap Nama Artis Yang Dikomersialkan Didalam Buku Tanpa Seizin Tokoh", *Jurnal USM Law Review*, 5:2, 2022, p. 730.

variety of new protectable objects, from technical trademarks to "Anything ... capable of carrying the meaning of [source]" as potential trademarks.¹⁶

The trade name obtains protection if the owner can show "secondary meaning", where there is an association by consumers with a product/thing that gives the trade name distinctiveness/recognizability. To prove this familiarity, it is done by searching the name in question on a search engine such as Google which will then provide various information and news about the name. In addition, the commercial court can also order an independent institution to conduct a survey related to whether or not the person is famous as a reinforcement of consideration in making decisions in trademark disputes related to the use of trademarks that are or resemble the name or abbreviation of the name of a famous person.¹⁷

In the case of Julia Roberts vs. Russell Boyd, the WIPO Arbitration Panel stated several considerations in deciding this case. First, the Complainant has a common law trademark, and registration of the name "Julia Roberts" as a trademark is not required. The said name also has a sufficient secondary connection with the Complainant and that is sufficient to claim passing off. Furthermore, the domain name juliaroberts.com is identical or confusingly similar to the Complainant's name thus satisfying the requirements of UDRP paragraph 4(a)(i). In addition, the Respondent has neither a relationship with nor permission from the Complainant for the use of its name or mark and cannot demonstrate any other basis upon which able to assert any rights or legitimate interests implied, thereby satisfying the requirements of the UDRP paragraph 4(a)(ii). Finally, that the Respondent has registered and used the domain name juliaroberts.com in bad faith and auctioned the domain name on the commercial website eBay satisfies the requirements of the UDRP paragraph 4(a)(iii).¹⁸ Ultimately, the Panel orders that the domain name be transferred to the Complainant.

The username as an integral part of the X account is seen as a business opportunity. Many username "breeders" deliberately save usernames by creating empty accounts and using the names of famous people or people who have the potential to be famous, such as idol trainees who are about to debut. This act of creating empty accounts can also be referred to as warehousing.

In Indonesia, username squatting behavior can easily be found, especially on X. A couple of username squatting cases that have recently been discussed is the sale of the

¹⁶ Daryl Lim, "Trademark Confusion Revealed: An Empirical Analysis," *American University Law Review*, 71, 2022, pp. 1297-1298.

¹⁷ Eni Jaya, dkk., "Perlindungan Hukum Terhadap Pemakaian Nama Orang Terkenal Menurut UU No. 20 Tahun 2016 Tentang Merek dan Indikasi Geografis," *Jurnal Sosial dan Budaya Syar-i*, 9:1, 2022, p. 158.

¹⁸ WIPO Arbitration and Mediation Center, "Administrative Panel Decision Julia Fiona Roberts v. Russell Boyd Case No. D2000-0210," diakses melalui <https://www.wipo.int/amc/en/domains/decisions/html/2000/d2000-0210.html>.

@taehyungi account (based on the name Taehyung of BTS) in early 2021 whose auction reached a nominal value of around IDR 8,000,000 (eight million rupiahs) and @haechan (based on the name Haechan of NCT) in July 2023 whose auction reached a nominal value of IDR 14,000,000 (fourteen million rupiahs). However, so far, there have been no cases of username squatting legally charged by the original owners of famous names.

There are several options regarding measures that can be taken by the original owner of a famous name. As an administrative measure, famous people whose names are being squatted can report to X, the social media platform, concerning the infringement of their names. This is facilitated by social media X in the Terms and Conditions and Regulation X as a form of Safe Harbor Policy. In addition to the administrative measure, the original owner of the name may also pursue legal measures. Article 1129 TCPA/ACPA confirms that the use of Famous People's Names in trading activities (username squatting) on social media is a violation of the rights of the original owner of the name and they can be held liable through a civil lawsuit.

The act of username squatting begins with the intentional and unauthorized use of a Brand or Famous Person's Name which is then followed by an attempt to gain profit in an Electronic Transaction.¹⁹ With this, the username squatting can be classified as included in Unlawful Acts, in line with what is stated in Article 1365 of the Civil Code of Indonesia, where it has been explained that all actions that violate the law and cause harm to others are obliged to the person who caused the loss to compensate for the loss. From the said article, it can also be concluded that there are several elements of Unlawful Acts, namely the existence of an unlawful act, the existence of a fault, the existence of a causal relationship between the loss and the act, and the existence of a loss. All of the elements have been fulfilled in the act of username squatting against Famous People's Names. First, the existence of an unlawful act is proven by the squatter's actions that violate the subjective rights of the rightful owner which has been regulated inside the law, namely using the Name of a Famous Person as the username of a social media X account without the permission of the rightful owner. Second, there is a fault in the form of the squatter's intent in registering, using, and trading usernames based on Famous People's Names on social media X. Third, there is a causal relationship between the harm and the act, where the act of username squatting has caused moral and material harm to the famous people whose names used unlawfully by the squatter. Fourth, there is harm/loss to famous people and the public. For famous people, the losses that can arise

¹⁹ Rizka Alifia Zahra, *Pelindungan Merek Lembaga Keuangan Bank dalam Penggunaannya Sebagai Akun Media Sosial Twitter Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek dan Indikasi Geografis dan Undang-Undang Informasi dan Transaksi Elektronik*, Undergraduate Thesis, Universitas Padjadjaran, 2023, Pp 108.

include the loss of the opportunity to use their names, the loss of the potential to obtain moral and material benefits from using their names, the damage to their reputation, and so on. As for the public, there can be confusion about accounts related to famous people, which can also be seen as fake news that causes confusion.

Even so, it would be amicable to settle the dispute out of court first. This is as in Article 39 Paragraph (2) of the ITE Law and Article 93 of the MIG Law, both of which say that the parties can resolve disputes through arbitration or alternative dispute resolution. Based on Law Number 30 Year 1999 concerning Arbitration and Alternative Dispute Resolution, there are several alternative dispute resolution efforts to take, such as negotiation and subpoena.

Negotiation provides a medium for parties of the dispute to discuss its resolution without involving a third party. According to the Great Dictionary of the Indonesian Language, negotiation is defined as the peaceful settlement of a dispute through negotiations between the disputing parties.²⁰ Through negotiation, the disputing parties can re-examine the rights and obligations of each party with a win-win solution in mind so that both parties benefit. Apart from negotiations, subpoenas can also be chosen as an alternative to resolving disputes related to username squatting. A subpoena is a letter of warning to the potential defendant to do or stop an action demanded by the subpoena giver. As a form of warning, a summons is usually made up to 3 (three) times and in written form.

If alternative dispute resolutions are futile, the rightful owner of the famous name can go to court. Any person who suffers a loss can file a lawsuit against the party that organizes the Electronic System and/or uses Information Technology because of which the loss arises.²¹ Hence, the owner of the trademark and/or its licensee can file a lawsuit against the party who without right uses the trademark,²² in this case, the original owner of the famous name against the squatter. They can seek compensation and/or cessation of all acts relating to the use of the Mark. This concerns how Famous People's Names are basically under the protection of Trademark Law so even though it is not written explicitly in the positive law, the protection of Trademark Law still applies to it.

In the case of infringement of a famous person's name in the virtual space, civil dispute resolution is more appropriate than criminal proceedings. This is because in calculating the amount of compensation, it needs to be based on the amount of revenue

²⁰ Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, "Negosiasi," diakses melalui <https://kbbi.kemdikbud.go.id/entri/negosiasi> pada 20 Juli 2024.

²¹ Article 38 paragraph (1) of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law).

²² Article 83 paragraph (1) of Law Number 20 Year 2016 concerning Trademarks and Geographical Indications (MIG Law).

that should have been obtained as a real loss, profits that should have been obtained, and costs related to both of these.²³ Pendekatan ini memungkinkan pemilik asli dari nama tersebut untuk mendapatkan kompensasi yang sesuai dengan kerugian yang diderita akibat tindakan pelanggaran tersebut, yang tidak selalu bisa dicapai melalui hukum pidana.

Concerning civil lawsuits, there are some important things to know based on Article 83 and Article 84 of the MIG Law.²⁴ That the owner of a registered trademark and/or registered trademark licensee can file a lawsuit against the trademark user to the commercial court with evidence that other parties have used a trademark that has similarities in essence or its entirety for similar goods and/or services of the registered trademark owner and/or registered trademark licensee without rights/permits. Compensation and/or cessation of all such acts can be filed as a lawsuit against the use of the Trademark, the lawsuit can also be filed by the owner of a well-known Trademark based on a court decision. This lawsuit is filed with the Commercial Court, where the plaintiff may file a request to stop the production, circulation, and/or trade of goods and/or services that use the Trademark unrightfully while still under examination and to prevent greater losses. Related to the demand for the delivery of goods that use the Trademark without right by the Plaintiff, the delivery of goods and/or the value of goods (as ordered by the Judge) can be done after the court decision has permanent legal force. In the case of using a famous person's name as a username, the delivery of goods in the form of a username is in line with the principle of *Droit de Suite*. This is because the username is a movable and intangible object and is considered an ICT asset that has value so it gets legal protection.

The MIG Law also regulates the procedure for filing a lawsuit at the Commercial Court in detail.²⁵ The lawsuit is filed with the head of the Commercial Court whose jurisdiction covers the residence/ domicile of the defendant, if one of the parties resides abroad, then the lawsuit can be filed with the Chief of the Central Jakarta Commercial Court. Then the Registrar will register the lawsuit on the same day as the day of filing, and the plaintiff will receive a written receipt signed by the clerk on the same date. Later, the Registrar must submit the lawsuit to the Chief of the Commercial Court no later than 2 (two) days after the lawsuit is registered. Furthermore, the Chief of the Commercial Court will study the lawsuit and appoint a panel of judges to set a hearing day no later

²³ Rizka Alifia Zahra, *Op. Cit.*, pp. 126.

²⁴ Patrichia Weyni Lasut, "Penyelesaian Sengketa Gugatan Atas Pelanggaran Merek Menurut Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis," *Jurnal Et Societatis*, Vol. 6, No. 1, 2019, pp. 67-68.

²⁵ Article 85 paragraph (1) of Law Number 20 Year 2016 concerning Trademarks and Geographical Indications (MIG Law).

than 3 (three) days after receiving the lawsuit and summon the parties. The summoning of the parties is carried out by the bailiff no later than 7 (seven) days after the lawsuit is registered. The hearing until the decision on the lawsuit must be completed within a maximum of 90 (ninety) days after the case is received by the panel of judges handling it, with the possibility of a maximum extension of 30 (thirty) days with the approval of the Chief Justice of the Supreme Court. The decision on the lawsuit must be read out in public, including the full legal considerations underlying it, and the contents of the Commercial Court decision must be delivered by the bailiff to the parties no later than 14 (fourteen) days after the decision is read out.

The criminal law approach can be taken if cybersquatting or username squatting is carried out in conjunction with criminal acts related to the content or content in the domain name or username and also as an *ultimum remedium*. A criminal offense in the realm of Trademark is a complaint offense so the right to file a complaint related to username squatting against a Famous Person's Name lies on the original owner of the name. Regarding the use of a Famous Person's Name by another party and its sale, a person who intentionally and unlawfully uses Personal Data that does not belong to themselves shall be punished with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiahs).²⁶ In addition, related to the dissemination of false notifications or misleading information that results in material losses for consumers in Electronic Transactions, the perpetrator is threatened with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp1,000,000,000.00 (one billion rupiahs).²⁷ This article states the consequences that can arise from the actions in Article 28 Paragraph (1), namely the dissemination of false notifications, which in this case means username squatting against Famous People's Names.

CONCLUSIONS

The use of Famous People's Names as usernames on social media by other parties who are not entitled or without the permission of the name owner, better known as username squatting, is a new form of legal action that is the result of the development of Information and Communication Technology (ICT) in today's world. In Indonesia, legal protection towards Famous People's Names can be obtained through various existing laws, namely Article 23 paragraph (2) of the Electronic Information and Transaction Law (ITE Law), Article 4 paragraph (1) and Article 4 paragraph (3) of the Personal Data Protection Law (PDP Law), and Article 21 paragraph (2) letter a of the

²⁶ Article 67 paragraph (3) of Law Number 27 Year 2022 on Personal Data Protection (PDP Law).

²⁷ Article 45A paragraph (1) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law).

Trademark and Geographical Indication Law (MIG Law). Essentially, a Famous Person's Name is recognized as a personal right that is exclusive and protected under Trademark Law, so that any violation or misuse of it can be categorized as an Unlawful Act.

X (Twitter) as a platform has provided a medium for reporting username squatting that occurs as a Safe Harbor Policy. In addition, a lawsuit can also be filed against username squatting, both civil and criminal. In resolving disputes through legal remedies, a civil lawsuit is more appropriate as it allows the calculation of damages based on actual losses and potential lost profits. Even so, it is better to resolve disputes between the original owner of the famous name and the squatter through alternative dispute resolution first such as subpoenas and negotiations. Overall, although existing regulations in Indonesia have not yet covered the protection of Famous Names as usernames, the original owner still has rights to the name and is entitled to protection against it as well. The original owner of a famous name can take administrative and/or legal measures to protect their rights and obtain compensation for any losses suffered

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