



## *MS Glow and PS Glow: A Forensic Linguistics Study*

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### Article info

**Received Date:** 29 Agustus 2022

**Accepted Date:** 5 September 2022

**Published Date:** 31 July 2023

**Keywords:\***

*Forensic Linguistics,  
Trademark, MS Glow and PS Glow*

### Abstract\*

The feud between PS Glow and MS Glow became a conversation that caught the public's attention. One of the parties is considered to have the same principal trademark, so the intention to imitate, plagiarize or follow the other party's brand for business purposes creates unhealthy business conditions and deceives or misleads consumers. This study analyzes the trademark dispute between PS Glow and MS Glow. The data sources in this study are the Decisions of the Supreme Court of the Republic of Indonesia Number 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Mdn and Number 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Sby. This research uses methods and techniques which are divided into three stages, namely (1) the data collected by observation method assisted by note-taking technique; (2) Data analysis using qualitative methods. The data analysis technique used descriptive technique; and (3) Presentation of the data analysis results using informal and formal methods. The results show that PS Glow and MS Glow are other trademarks. It can be seen based on the analysis at the phonological level, namely the presence of sounds that can distinguish meaning, namely /p/ - /m/. Thus, it can be said that the decisions of judges are considered inaccurate.

### 1. Introduction

The feud between MS Glow and PS Glow began when Septia Yetri Opani, better known as Septia Siregar, was about to launch the PS Store Glow (PS Glow) brand on social media. However, when the production process was about to start, MS Glow claimed that the products launched by PS Glow had similarities; and did reporting. In line with this, quoted from [kompas.com](http://kompas.com) (July 29, 2022), the name PS Glow comes from the abbreviation of her husband's name, Putra Siregar. Septia Siregar claims that before the PS Glow product launch, the owner of MS Glow, Shandy Purnamasari, had contacted him via Instagram to ask him to work together in September 2019. In the screenshots shared, it was revealed that Shandy invited Septia to work together in the beauty sector. Shandy immediately offered one of the cosmetic factories he owned. However, over time, Septia decided to launch the PS Glow product without cooperating with Shandy. Later, Shandy objected because the name PS Glow was similar to MS Glow. Shandy filed a lawsuit to the Medan District Court (PN) in March 2022. In his decision, on June 13, 2022, MS Glow was declared victorious, and the judges decided to cancel PS Glow's registration.

Not only suing in court, but Shandy also reported the owner of PS Glow, namely Putra Siregar, to the Criminal Investigation Department. The report is registered with the number LP/B484/VII/2021/SPKT/BARESKRIMPOLRI. In his report, Shandy reported that Putra Siregar had committed crimes related to trademarks for violations of Article 100 Paragraphs (1) and (2), Article 101 Paragraphs (1) and (2), and Article 102 of Law No. 20 of 2016 concerning Brands and Geographical Indications. Putra Siregar was also charged with a crime related to trade secrets for violating Article 17 in conjunction with Article 13 and Article 14 of the Republic of Indonesia Law Number 30 of 2000 concerning Trade Secrets.

After the Medan District Court's decision, both parties had time to meditate. However, the mediation did not find common ground. PS Glow then decided to respond to MS Glow's lawsuit for the same case at the Surabaya Commercial Court. On behalf of PT PStore Glow Bersinar Indonesia, Putra Siregar, through his attorney, sued several parties related to MS Glow. The lawsuit was registered on April 12, 2022, with case number 2/Pdt.Sus-HKI/Merek/2022/PN Niaga Sby. The judges then granted PT PStore Glow Bersinar Indonesia's lawsuit on July 12, 2022.

PT PStore Glow Bersinar Indonesia has exclusive rights to the use of the "PS Glow" and "PStore Glow" trademarks registered with the Directorate General of Intellectual Property of the Ministry of Law and Human Rights. Furthermore, the Surabaya District Court also sentenced the defendant to pay compensation of Rp 37.9 billion. The verdict punishes the defendants for stopping the production, trade, and withdrawal of all cosmetic products under the MS Glow brand circulating in Indonesia. Lost in the Surabaya District Court verdict, MS Glow filed an appeal on June 12, 2022. MS Glow claimed its trademark had been registered with the Directorate General of Intellectual Property in 2016, while PS Glow was only registered in 2021.

Referring to the brief description of the feud between PS Glow and MS Glow, there are exciting things from the perspective of forensic linguistics, especially in phonology. Phonology at the linguistic level explains the sound system of language that forms words and levels above words: the process of change, tribal patterns, the discovery of phonemes and allophones, and their interpretation. From a forensic point of view, phonology can be used to explain the sound elements of language that are a legal dispute, considering that there are similarities in names between PS Glow and MS Glow.

## **2. Research Methods**

This research is an attempt to explain linguistic phenomena from a legal perspective. This research should use forensic linguistics. Meanwhile, the methods and techniques used are grouped into several parts, namely (1) data collection, namely by using observation methods assisted by note-taking techniques. The data sources in this study are the Decisions of the Supreme Court of the Republic of Indonesia Number 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Mdn and Number 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Sby; (2) data analysis, namely by using qualitative methods, assisted by using descriptive analytical techniques; and (3) presenting the results of data analysis, using formal and informal methods (Sudaryanto, 1993, 2015).

## **3. Discussions**

*Forensic linguistics* is an approach that discusses the relationship between language and legal issues, both language as legal evidence and language as legal discourse. In this case, language as legal evidence is associated with efforts to determine the author/speaker of the text and interpret the meaning/intent of the text. Meanwhile, language as legal discourse includes the

language of laws, regulations, language in court, and debates between the Gakim, lawyers, and those on trial (Olsson and Luchjenbroers, 2014). Texts that have the potential for forensic linguistic studies, such as suicide notes, fake news, and legal language. In other words, forensic linguistics is a field of applied linguistics that seeks to scientifically analyze the linguistic evidence of a crime for law enforcement purposes; in a simple editorial, forensic linguistics is the application of the principles and methods of linguistic studies in legal and law enforcement issues (McMenamin, 2002).

Forensic linguistics was first used by a professor named Jan Svartvik in 1968 after he succeeded in analyzing the murder confession statement allegedly made by the alleged killer, John Evans, in England in 1949. In 1968, Svartvik analyzed the confession text. The police have kept the murderer for nineteen years. According to the police, the confession was made by the perpetrator during interrogation at the police station. Thanks to the analysis by Startvik, it is known that the confession text was not made by John Evans but by the police (Olsson, 2008; Olsson and Luchjenbroers, 2014).

#### 4. Novelties

It has been explained previously that forensic linguistics is a linguistic study that deals with legal issues. The case of the feud between MS Glow and PS Glow can technically be studied based on the graphological-phonological aspects.

No	Brand	Registration Number	Owner	Class
1		IDM000633038	SHANDY PURNAMASARI, PT KOSMETIKA CANTIK INDONESIA	3
2		IDM000639146	PT KOSMETIKA CANTIK INDONESIA	3

No	Brand	Registration Number	Owner	Class
1		DID2021030679 (01/05/2021)	Putra Siregar	3

				
2		DID2021020469 (25/03/2021)	Putra Siregar	3, 44
3		DID2021030680 (01/05/2021)	Putra Siregar	3

Data Source: Direktori Putusan Mahkamah Agung Republik Indonesia  
Nomor 2/Pdt.Sus.HKI/Merek/2022/PN Niaga Mdn

MS Glow and PS Glow have only one sound that distinguishes the two, namely [m] – [p]. Phonetically, [m] – [p] both belong to the inhibitory consonants, which have the characteristics [+anterior, +consonantal]. These two sounds are related to the sounds of language produced by the lips, namely the upper and lower lips. On the other hand, the two sounds have a fundamental difference in terms of voicing, [p] is [-sound] (occurs without sound vibration); otherwise, [m] is [+voice] (occurs with vocal cord vibrations).

Phonologically, /p/ - /m/ as a pair of sounds that can both distinguish meaning. For example, the word *piring* 'plate' and *miring* 'sloping'; *palu* 'hammer' and *malu* 'shy, embarrassed' in Indonesian are only distinguished by /p/ and /m/. However, even though the two sounds are very similar on an articulatory basis, they both belong to the bilabial-blocking group of sounds; but have a difference in voice, namely [p] is voiceless, while [m] is voice.

Referring to the results of a simple analysis that has been carried out, it can be seen that the Medan District Court panel of judges gave a decision to the defendant; namely, PS Glow, to delete the registered mark, namely

1. PSTORE GLOW with Registration Number: IDM000943833, Class of Goods/Services 3;
2. PSTORE GLOW with Registration Number: IDM000943834, Goods/Services Class 3, 44; and
3. Pstore Glow Men, with Registration Number: IDM000943835, Class 3 Goods/Services are deemed inappropriate.

On the other hand, the same thing also happened to the Surabaya District Court's decision which gave a verdict to the defendant (MS Glow), who was deemed to have similarities with PS Glow which was deemed inappropriate.

A similar case has occurred between the Benatoz trademark and Banadoz. Banadoz is produced by PT Sandoz Indonesia, which is located at Jalan TB Simatupang, Pasar Rebo, East Jakarta. PT Sandoz registered the Banadoz trademark with the Director General of Intellectual Property (KI) of the Ministry of Law and Human Rights under the number IDM000190216 dated January 19, 2009; while Benatoz is produced by Erlan Suherlan, having his address at Cilacap, East Jakarta; and has pocketed a trademark certificate with the number IDM000388154 dated May 6, 2013. Feeling the resemblance, PT Sandoz then sued the Ministry of Law and Human Rights to revoke the Benatoz brand because it was considered to have similar pronunciation. The Panel of Judges later rejected the lawsuit. The Panel of Judges was deemed appropriate to reject the lawsuit considering that phonologically /t/ - /d/ and /e/ - /a/ are two different pairs of sounds (see Pastika, 2019).

## 5. Conclusion

Based on the analysis conducted, some things can be concluded in this study, namely forensic linguistics as a branch of linguistics can carry out linguistic analysis from a legal perspective. As a domain related to the enforcement of justice, forensic linguistics only provides signs that can reveal the truth, which will lead to justice as evidenced by the elements of language, both micro linguistics such as phonology, which is the topic of analysis in this study, as well as macro linguistics.

## 6. Acknowledgements

The author expresses his deepest gratitude to all parties contributing to this study. The author hopes this paper can provide an overview of the analysis of brand name disputes based on a forensic linguistics perspective. Hopefully, this study can provide benefits.

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