

ACKNOWLEDGEMENT

Praise and gratitude to God Almighty for His grace and love so that the author can finish this thesis entitled “**JUDICIAL REVIEW REGARDING THE CASE BETWEEN DC COMICS & PT. MARXING FAM MAKMUR**”. This thesis aims to fulfill one of the requirements to obtain a Bachelor of Law Degree at Faculty of Law Universitas Pelita Harapan. Although, with the full support for this thesis author would like to thank:

1. Prof. Dr. Bintan R. Saragih, S.H., as the Dean of Faculty of Law Universitas Pelita Harapan.
2. Dr. Vincensia Esti Purnama Sari, S.H., M.Hum, as Head of Faculty of Law Universitas Pelita Harapan.
3. Dr. Velliana Tanaya, S.H., MH, as the Director of Faculty of Law Universitas Pelita Harapan and has agreed to this thesis.
4. Dr. Henry Soelistyo Budi, S.H., M.H. as the Supervising lecturer in this thesis for the full guidance and knowledge regarding the thesis topic and with his full support during the process of making this thesis.
5. Nutty Priyanti Masli, author’s beloved mother with her full support and endless love with praying for author’s progress since the first day of university until the end of this thesis final defense and lending her laptop for the author.

6. Renansyah Jenie, S.H. his guidance within the whole process of making this thesis and by helping the author on how to properly structure the thesis's page layout and formatting.
7. Livia Bianda author's big sister whom keeps praying and supporting from abroad.
8. Kiana Felicia, author's sister whom keeps praying and supporting and always reminding author to finish the thesis on time.
9. Raquela Rivanya Lomboan, author's love partner by showing her endless support and prayer throughout each and every day before the thesis and until the end of this thesis final defense.

The author hopes that this research can contribute to the development of law in Indonesia, especially in the field of Intellectual Property Rights on Trademarks and can widen the knowledge of the reader of this thesis. The completion of the writing of this thesis is a blessing that cannot be separated from the endless support and guidance from various parties. Author would like to apologize for any mistakes in the wording in this thesis or content to this proposal. Author realizes that this thesis is far from perfection and is open to criticism and suggestion. Author hopes that this thesis can be approved and may be beneficial for research of legal science.

Tangerang, (June, 2019)



Jerryl Anthony Bolung

List of Tables

Table 4.1 shows the difference between the previous Trademark law 2001 and the current Trademark Law 20 of Year 2016 regarding Trademarks & Geographical Indication.

Table 4.2 shows the plaintiff's and defendant's rules and regulations claim.



List of Images

Picture 4.1, The Logo of Superman used in the Wafer “*Superman*” packaging

Picture 4.2, The Original “*Superman*” logo and “*Superman*”.



Table of Contents

THESIS	i
STATEMENT OF THESIS ORIGINALITY	ii
THESIS ADVISOR APPROVAL.....	iii
EXAMINATION BOARD APPROVAL	iv
ABSTRAK	v
ACKNOWLEDGEMENT.....	vi
List of Tables	viii
List of Images	ix
CHAPTER I.....	1
1.1 Background.....	1
1.2 Formulation of Issue	22
1.3 Research Approach	22
1.4 Research Benefit.....	23
1.5 Framework.....	23
CHAPTER II	26
2.1 Theoretical Framework.....	26
2.1.1 The Effectiveness of Law.....	26
2.1.2 Three Basic Principles of Law.....	36
2.1.3 Intellectual Property Rights Legal Theory.....	38
2.1.4 The Concept of Trademark Protection.....	44
2.1.5 WIPO (World Intellectual Property Rights).....	49
2.1.6 Paris Convention	50
2.2 Conceptual Framework.....	53

CHAPTER III	55
RESEARCH METHOD	55
3.1 Concept of Research Methodology.....	55
3.2 Types of Research	57
3.3 Methods of Obtaining Data	58
3.3.1 Primary Legal Sources	58
3.3.2 Secondary Legal Sources	59
3.4. Research Approach	59
3.4.1 Data Analysis.....	60
3.4.2 Qualitative	61
3.4.3 Quantitative	61
CHAPTER IV.....	63
4.1 Indonesian Trademark Law on providing legal protection for a Well-known Mark	63
4.1.1 Background and Problem Review.....	63
4.1.2 Rule and Regulations	73
4.1.3. Research Findings and Analysis	83
4.1.4. Expert Opinions and Views.....	88
4.1.5. Summary of Normative Studies and their Impacts.....	90
4.2. The Implementation of the Law in the court's decision.....	91
4.2.1. Case of DC Comics vs PT. Marxing Fam Makmur	91
4.2.2. Provisions from Trademark Law	95
4.2.3. The Handling by the Judiciary.....	100
4.2.4. Case Analysis	103
4.2.5. Research Findings.....	104
CHAPTER V	107
5.1 Conclusion	108
5.1.1	108
5.2 Recommendation and Advice.....	110
5.2.1	110
5.2.2	111