ABSTRACT

Mutiara Ayu Larasati (00000009628)

"ANALYSIS TOWARD BRAND FORGERY ACCORDING TO THE SUPREME COURT RULING CASE NUMBER : 2035 K/Pid.Sus/2010"

(xii + 101 pages + 1 attachment)

Brand as HKI is sign to identify and differentiate product of an enterprise to others. Brand Forgery will be disadvantageous brand owner because it will decrease income and it is stealing someone's idea. Brand forgery can make unfair competition because it is done without permission. It hards the owner either in material and immaterial. Problems in this skripsi/mini thesis are how to protect brand owner in Indonesia toward brand forgery act? How is the consideration of Judge based on Supreme Court ruling case number 2035K/Pid.Sus/2010? The writer uses normative research method using primary and secondary data and non-law is analyzed quantitatively. Furthermore, based on analysis toward brand forgery in The Supreme Court Ruling Case Number: 2035 K/Pid.Sus/2010, brand forgery is criminal act that can be punished based on article 90 Statue of Brand Number 15 Year 2001 and for those who sell counterfeit goods will be punished based on Article 94 with the same Statute. In Indonesia, there are many cases of brand forgery because law enforcer of brand has not been executed well because the punishment is light punishment. It appears lack of law awareness for society and lack of socialization done by government toward many ruling statutes about brand. Empirical review in The Supreme Court Rulings Case Number is forgery based on unfair competition because it is fraudulent act by using popular brand which is forged so it harms brand owner. Legal efforts that can be done by owner of popular brand is reporting to the police, asking government for temporary suspension (according to The Supreme Court Ruling number 5 Year 2012) asking provisional appointment (according to The Supreme Court Ruling number 5 Year 2012) and lawsuit about brand to commercial court.

Reference: 38 (1979-2013)
Key Words: Forgery, Brand, intellectual property rights (HKI)