

ABSTRACT

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JURIDICAL ANALYSIS OF LEGAL PROTECTION FOR THE WELL-KNOWN BRAND OF NILOS IN INDONESIA (Case Study: Putusan No. 51/Pdt.SUS-Merek/2019/PN.Niaga.Jkt.Pst jo. Putusan Mahkamah Agung No. 600 K/Pdt.Sus-HKI/2020)

(x + 82 pages)

Keywords: Well-known Brands, Legal Protection, Bad Faith.

The role of brands in the world of industry and trade is very important. With the existence of a brand, products issued by businessmen / companies become more valuable, especially in a brand that is already widely known among the public. Well-known brands are an invaluable asset to a company. However, Well-known brands are also the target of other businessmen to gain fame for their own benefit. One of them is a dispute of the Well-known brand like NILOS that occurred between NILOS GmbH & Co.KG and PT. Asia Santosa, NILOS filed this to the District Court. This was filed because of PT. Asia Santosa registers the same brand and protects the same type of goods as NILOS Well-known brand owned by NILOS GmbH & Co.KG. Such action is certainly unlawful and requires legal protection for the rightful owners of well-known brands. The formulation of the issue that will be discussed in this thesis is whether NILOS trademark owned by NILOS GmbH & Co.KG can be categorized as a well-known brand and how legal protection against well-known brands of NILOS applied in Indonesia is seen from the Supreme Court Decision Number: 600 K/Pdt.Sus-HKI/2020. The research method used in this research is normative legal research. The way of data obtained is through literature studies, approaching legal cases, and data analysis used is qualitative data techniques. The conclusion produced based on this research is that Indonesia has provided legal protection against the rightful owner of the well-known brand of NILOS in accordance with the applicable regulations by canceling the registered brand owned by PT. Asia Santosa because it was proven to have bad faith. NILOS brand owned by NILOS GmbH & Co.KG can be categorized as a well-known brand because it has met the requirements in the regulation regarding the applicable of well-known brand categories.

References: 29 (1994-2020)