

## ABSTRACT

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### **JURIDICAL REVIEW OF CASE VIOLATION OF THE TRADEMARK GEPREK BENSU AND I AM GEPREK BENSU**

(xi + 181 pages)

Indonesia as a welfare state must be able to build an economy that can correlate with the benefits and prosperities of its society. Currently, the market provides a variety of products in a form of goods and services to fulfill human needs. To differentiate the goods and/or services that provided by each company, it is necessary to have a distinguishing instrument in the form of Trademark. The pace of current economic development has encouraged tight competition within businesses in similar fields. Such intense competition leads fraudulent activities of business actors inside business entities. With that said, Trademark as one of the most powerful instruments in the world of trade is especially crucial in Indonesia, protected by the Law Number 20 Year 2016 concerning Trademark and Geographical Indication. This research focuses on a trademark dispute between *Geprek Bensu* and *I Am Geprek Bensu*. The owner of *Geprek Bensu* appealed for cancellation of *I Am Geprek Bensu*'s trademark because it was deemed to have substantially and/or completely imitated the existing registered trademark, *Geprek Bensu*. Secondary data was obtained and acquired by conducting library research. These data were then examined descriptively and qualitatively, by performing a law approach and case approach analysis. Law Number 20 Year 2016 concerning Trademark and Geographical Indication is used as references for this particular research. Based on the existing facts, *Geprek Bensu* should not be able to be registered because the registration was carried out in an unethical manner and motive. It is argued that it carries fundamental and/or complete similarities with *I Am Geprek Bensu*'s trademark and the name of its legal entity PT. Ayam Geprek Benny Sujono. In addition, *I Am Geprek Bensu* had obtained legal protection of the rights to its trademark because it has been registered in accordance with Indonesian trademark regulations.

References: 32 (1962 – 2018)

Key Words: Trademark, Trademark Registration, Substantially Similarities, Completely Similarities, Brand Cancellation