

ABSTRACT

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PROTECTION OF TRADEMARKS REGISTERED IN PERSPECTIVE OF LAW NUMBER 5 OF 1999 CONCERNING THE PROHIBITION OF MONOPOLY PRACTICES AND UNFAIR BUSINESS COMPETITION

(xv + 139 pages)

In the era of free trade, brands are the basis of modern trade developments that can be used as goodwill, symbols, quality standards, a means of penetrating all kinds of markets, and traded with guarantees in order to generate large profits. attached to the brand. Trademarks as Intellectual Property Rights are basically signs to identify the origin of goods and services from a company with the goods and / or services of another company. Through these marks, entrepreneurs can guarantee the quality and maintain the goods and / or services produced and prevent dishonest competitive actions from other entrepreneurs. A brand that has become a well-known brand can cause legal problems, such as the emergence of competitors who have bad intentions to imitate or even pirate a well-known brand. Bad faith is an attitude intentionally impersonating another party's mark by violating the provisions in the trademark law. This research uses analytical descriptive with a normative juridical method approach using primary and secondary legal materials which are analyzed and then linked to the prevailing laws and regulations, namely the Trademark Law and the Anti-Monopoly Law. The results of this study resulted in conclusions, namely, First, protection of registered marks in Law Number 5 of 1999 is only given protection to trademark owners who register their trademarks in good faith, without registration they will not get the rights to the mark and cannot take any legal remedy to defend their rights . Second, trademark registration is based on a first to file principle and is only granted to registered trademark rights holders who have “good faith”. This provision becomes the basis for protection and is both preventive and repressive in nature. In this regard, preventive legal protection is carried out through trademark registration, and repressive legal protection is provided in the event of a trademark violation through civil lawsuits or criminal charges, without reducing the possibility of dispute resolution outside the court. In the case of Ayam Geprek, the dispute over the implementation of trademark protection has not been fully carried out because until now, although Ruben Onsu's lawsuit at the Commercial Court was rejected, his Geprek chicken business is still operating as usual without being given adequate sanctions.

References: 49 (1982-2017)

Keywords: Trademark, Unfair Business Competition, Anti-Monopoly Law