

ABSTRACT

Rania Alnida Salsabila (01051170070)

LEGAL CERTAINTY ASPECT OF THE USE OF COMMON NAMES BASED ON THE LAW NO.20 OF 2016 CONCERNING TRADEMARK & GEOGRAPHIC INDICATIONS FROM THE PERSPECTIVE OF THE UUD 1945 ARTICLE 28 G VERSE 1 (DECISION STUDY NUMBER 5 PK/Pdt.Sus-HKI/2020)

(xi + 102 pages: 1 attachment)

The law made by the state aims to create an orderly and just life for citizens. One of the things that must be fulfilled in order to achieve the objectives of the law is the existence of legal certainty. One of the things that is regulated by the state regarding the rights as citizens is as regulated in the 1945 Constitution in Article 28 G Verse 1 which explains that citizens have the right to legal protection for their assets. Just as a trademark is commonly used in everyday life by the public and it is also one of the assets that are intangible and movable. The state has regulated trademarks, namely in Law No.20 of 2016 concerning Trademarks & Geographic Indications. However, the Trademark Law has not been fully implemented effectively due to conflicts and problems arising from the Trademark Law. Article 20 Letter F which explains that a mark cannot be registered if the mark consists of a word which is a general name / word which still causes confusion. This final project uses normative research in analyzing. In this study, the focus of the analysis is to examine legal sources that discuss trademark. The use of common names / words in trademark regulated in Law No.20 of 2016 in the explanation section only mentions examples of common names, whereas in international doctrines and treaties, it explains the definition of the use of common names / words in trademark or what is commonly referred to as generic mark, which are words / languages commonly used in everyday life, especially in commercial activities where people prefer and are familiar with mentioning names trademark rather than the name of the product to which the interaction or transaction is intended. Related to these rules there are still many conflicts, one of which is the case raised in this final project, namely the trademark "STAR STAINLESS STEEL" against "BLUE STAR, GREEN STAR, and BLUE STAR".

Reference: 29 (1986-2020)

Key Words: *Trademark, Generic Mark, The principle of legal certainty, Assets, Citizens*