

ABSTRACT

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JURIDICAL ANALYSIS OF THE DENTAL PAPER BRAND SAME DISPUTE BETWEEN HARDWOOD PRIVATE LIMITED AND PT. UNILEVER INDONESIA, Tbk. (CASE STUDY: DECISION NUMBER 30/Pdt.Sus-Merek/2020/PN.Niaga.Jkt.Pst jo. DECISION NUMBER 332 K/Pdt.Sus-HKI/2021)

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The government provides protection for brands which are marked by the existence of the Law on Trademarks and Geographical Indications. This should be able to prevent and solve problems that occur in Indonesia regarding the guarantee of protection for brands. However, this has not happened because there are still many disputes regarding brands, one of which is the dispute between Hardwood Private Limited and PT. Unilever Indonesia, Tbk. This study aims to examine regulations related to existing and applicable trademarks in Indonesia and to formulate recommendations for solving problems regarding registered trademarks that are suspected to have similarities in principle with other registered trademarks. The author uses normative legal research methods, namely legal research carried out by conducting research on library materials. The research approach used by the author is an approach to legal cases which means an approach by conducting a search on disputes related to legal issues that are being discussed and have become court decisions with permanent legal force and a statutory approach which means an approach by tracing and analyzing regulations legislation and other legal rules that are related to the legal issue being discussed is called the statutory approach.

The results of the analysis of the dispute over the similarity of toothpaste brands between Hardwood Private Limited and PT. Unilever Indonesia, Tbk. shows that the protection of registered marks has been carried out in accordance with the provisions of Law Number 20 of 2016 concerning Marks and Geographical Indications where registered mark owners who find other parties using their marks without permission can file a claim for compensation and terminate all activities related to the use of the mark but its implementation has not been going well because there is an error in the application of the law by the judge in the first instance lawsuit.

Keywords: Trademark, Protection, Law Number 20 of 2016 concerning Trademarks and Geographical Indications

References: 84 (1982-2020)