

ABSTRACT

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LEGAL ANALYSIS OF TRADE SECRET DISPUTE SETTLEMENT THROUGH LITIGATION (CASE STUDY DECISION NUMBER: 280/PDT.G/2008/PN.BKS)

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The trading world both nationally and internationally is currently experiencing very rapid development. It is understood that economic globalization and free trade have had enormous consequences for the legal field. Trade secret as part of IPR, is a valuable right in the development of business activities in Indonesia. Today's business competition is so tight, protection of Trade Secrets is a necessity that cannot be negotiated, because uncertainty over this issue can lead to consequences of increasingly widespread unfair competition which will damage the overall business climate. This thesis will discuss the trade secret dispute case study on case no. 280/Pdt.G/2008/PN.Bks where PT Basuki Pratama Engineering sued PT Hitachi Construction Machinery Indonesia for misusing trade secret rights belonging to PT Basuki Pratama Engineering. In this case the Bekasi District Court Judge refused to examine and adjudicate because the judge considered that IPR disputes should be resolved in the Commercial Court. The purpose of this study is to solve legal issues regarding the process of resolving trade secret, and to find out how the dispute resolution mechanism and the process of applying the law to efforts to resolve trade secret disputes that occur in Indonesia. The author uses a juridical-normative research method with a conceptual approach and a statutory approach. Based on the research according to Article 11 of Law Number 30 of 2000, the District Court is authorized to examine and adjudicate trade secret disputes. Therefore, the Bekasi District Court's decision in this case is contrary to the law which creates legal uncertainty. In the end, the decision of the Supreme Court No. 1713 K/Pdt/2010 which ordered the Bekasi District Court to examine and adjudicate Case No. 280/Pdt.G/2008/PN.Bks so that legal certainty can be achieved. Therefore, although the process of settling trade secret disputes between PT. Basuki Pratama Engineering and PT. Hitachi Construction Machinery Indonesia at the Bekasi District Court which was initially protracted, this case was finally able to obtain legal certainty.

References: 47 (1981-2022)

Keywords: Trade Secret, Dispute Settlement, Litigation