

## ABSTRACT

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**“LEGAL PROTECTION FOR REGISTERED MARK RIGHTS HOLDERS FROM ACTIONS UPON BAD FAITH (A CASE STUDY OF THE SUPREME COURT DECISION NUMBER 365 K/PDT.SUS-HKI/2023 IN THE REPUBLIC OF INDONESIA)”.**

(189 – CLXXXIX: 3 appendices)

*This research was conducted to explore the legal protection for Mark Rights holders as a crucial aspect of Intellectual Property which contributes to company success within local, regional, and global scales. In Article 1, Section (1) of Law Number 20 of 2016 on Marks and Geographical Indications, a Marks can take the form of a graphic representation in 2 (two) or 3 (three) dimensions, sound, hologram, or a combination of 2 (two) or more of these elements which differentiates goods and services originating from individuals or legal entities engaged in commercial activities. Numerous Marks had been duly registered in compliance with legal requirements, yet they were often replicated and employed in others' bad faith. Beyond adversely affecting the interests of registered Mark holders, such practices can result in unhealthy business competition. This normative-empirical legal research regarded primary, secondary, and tertiary legal materials and a through examination of Supreme Court decisions and interviews. The findings reveal that the protection of Mark Rights holders is codified in Article 20 and Article 21 of Law Number 20 of 2016, addressing marks ineligible for registration and those warranting rejection in their registration applications. Indonesia upholds the "first to file" principle, wherein the party that registers first obtains the legal protection. The government needs to raise public's awareness regarding the significance of Mark Rights protection and enable the Directorate General of Intellectual Property Rights to more rigorously analyze the registration of Mark Rights conducted in bad faith.*

**Keywords:** Registered mark, Legal Protection to Mark Rights Holders, Bad faith.

**References:** 62 References (1990-2023)