

## **ABSTRAK**

Anastasia Meitri (01656220027)

### **PENGGUNAAN PERJANJIAN LISENSI UNTUK PENYELESAIAN SENGKETA PEMBATALAN PENDAFTARAN MEREK DI PENGADILAN**

(vii+148 halaman; 1 gambar; 1 tabel)

Merek merupakan salah satu bentuk karya intelektual yang mempunyai peranan penting dalam memperlancar dan meningkatkan perdagangan barang atau jasa dalam perekonomian di era globalisasi ini. Pemerintah Indonesia memberikan Perlindungan Merek dalam Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis. Penelitian yang dikaji dalam tesis ini mengacu pada studi kasus antara PT Centa Brasindo Abadi Chemical Industri terhadap PT Tiga Muara Emas Makmur yang melakukan itikad buruk dengan unsur persamaan pada pokoknya. Atas hal tersebut, Pengadilan Niaga memutuskan untuk membatalkan pendaftaran merek milik PT Tiga Muara Emas Makmur. Peneliti dengan ini mengkaji instrument perjanjian lisensi merek yang berbentuk akta otentik sebagai penyelesaian sengketa pasca pembatalan merek yang terus berlarut-larut dan menghambat bisnis yang sudah ada. Oleh karena itu pemerintah haruslah menyiapkan inspektur independent untuk memberikan layanan yang lebih kompeten dan untuk mendidik Masyarakat akan pentingnya perjanjian lisensi merek.

Refence : 58 (1945-2023)

Kata Kunci : Merek, Merek Terkenal, Persamaan Pada Pokoknya, Pembatalan Merek, Perjanjian Lisensi, Akta Otentik.

## ABSTRACT

Anastasia Meitri (01656220027)

### **PENGGUNAAN INSTRUMEN PERJANJIAN LISENSI UNTUK PENYELESAIAN SENGKETA PEMBATALAN MEREK DI PENGADILAN**

(viii+ 148 pages; 1 tabel; 1 images)

Trademark are a form of intellectual work that has an important role in smoothing and increasing trade in goods or services in the economy in this era of globalization. The Indonesian government provides brand protection in Law Number 20 of 2016 concerning Trademarks and Geographical Indications and related statutory provisions. The research carried out in this thesis refers to the case of PT Centa Brasindo Abadi Chemical Industry against PT Tiga Muara Emas Makmur. Similarly, what happened was that the brands belonging to PT Tiga Muara Emas Makmur were registered in bad faith and had similar elements in essence. Due to this matter, the Commercial Court decided to cancel the registration of the marks belonging to PT Tiga Muara Emas Makmur. The researcher hereby examines the brand licensing agreement instrument in the form of an authentic deed as a form of post-cancellation settlement. Brand cancellations are continuously present in court. This research uses a qualitative data analysis method which is based on a case approach which refers to the case of brands owned by PT Centa Abadi Brasindo which have been legally registered in advance and also uses an approach to brand law and related regulations. For this reason, researchers suggest entering into a brand licensing agreement as a post-settlement for brand cancellations which continue to drag on and hamper existing businesses. This research suggests that the Indonesian government provide independent inspectors to provide more competent inspections and to educate the public about the importance of brand licensing agreements.

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Key Words: Trademark, Well-known Marks, Similarity, Cancellation of Marks, License Agreement, Authentic Deed.