

ABSTRACT

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JUDICIAL REVIEW OF LEGAL PROTECTION TOWARDS UNREGISTERED FOREIGN TRADEMARKS IN INDONESIA IN THE ANNUALMENT CASE OF COMIX'S TRADEMARK

(SUPREME COURT VERDICT NUMBER 832 K/PDT.SUS-HKI/2018)

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As one of the forms of Intellectual Property Rights, Trademarks has an important role in trading especially in facing globalizaton era today. Rights over trademarks will be given to the owner in which their trademarks has been registered according to the applied regulations in order to obtain a certificate. Then, the rights over the trademarks held by the registrar according to Indonesian's positive law, the holder of the trademarks will be given legal protection. Whereas protection towards foreign trademarks in Indonesia will be based on treaties Indonesia has towards other countries, in terms of protection against well known brands regulated in Paris Convention For The Protection Of Industrial Property (Paris Convention) , and The Agreement on Trade- Related Aspect of Intellectual Properties. Research type used is normative legal research. Normative legal research is a research addressed to study the quality of the norm of law itself with data collection methods by literature study. Data obtained through literature study will be analyze in qualitative. After all literature study collected in correspondent to the issue researched, then it will be analyzed with relevant theories and later concluded to answer the issues, which eventually analyzed with analytical descriptive method. Based on the result and studies in this research, it can be concluded that legal protection against foreign trademarks that has not been registered in Indonesia, is based on Paris Convention For The Protection Of Industrial Property (Paris Convention) , and The Agreement on Trade- Related Aspect of Intellectual Properties. On the attempt to conform all regulations in the fields of intellectual property with TRIPS Agreement, all regulations about trademarks in Indonesia has been regulated in Act Number 20 year 2016 concerning Trademarks and Geographical Indication (MIG).

Refference: 29 (1983-2016)