

ABSTRACT

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ANALYSIS ON THE LEGAL PROTECTION OF TRADEMARK

(Case Study on Case No. 10/Merek/2011/PN.Niaga.Jkt.Pst)

(xii+115)

In this era where technology is developing rapidly, there are countless of business transactions that result in serious development in business law. Intellectual property rights is one example of an area that has gone through significant growth, specifically on the Trademarks. As each individual would require daily needs in form of goods and services, it constitutes that such needs are closely related to the trademark aspect. Trademark as one of the sub in the Intellectual Property Rights; particularly well known trademark emphasized here. With high values contained in the such trademark, it then generates interests from other parties to participate in order to obtain benefits. Those participation are conducted by way regulated by law, known to us as licensing. Expressed both in the international regulation through the Paris Convention and the Trade Related Aspects of Intellectual Property Rights (TRIPS), and Law No. 15 of 2001, trademark owner has the right to give permission for third parties to participate and use their mark under certain terms and conditions applicable. When parties enter into a licensing scheme, it creates contractual relation, in which both parties owe to each other certain rights and obligations. However, licensing is not just a common contractual relation, but rather a complex one. This can be seen from the complexity degree of legal issues that exist in the licensing, that it requires higher degree of legal protection. Licensing begins from an agreement between the licensor and the licensee further being set forth in a form of contract, either orally or written. And as to the content of the contract, it has to be based on consent and governed by the principle of freedom of contract, so long as it is not contrary to

the law, moral, and public order. Either made orally or written, licensing conduct has to be registered at the Directorate General of Intellectual Property Rights. This study aimed to find out How will the licensee in Trademark Act aimed at protecting the rights of brand owners and brand licensee in terms of the brand was canceled, and how is the implementation of legal protection in the field of licensing in the licensed brand was overturned by the courts.

References : 19 (1993-2012)

