

## **ABSTRACT**

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### **JURIDICAL REVIEW OF BRAND OWNERSHIP BASED ON TERRITORIAL PRINCIPLES AND NOVUM QUALITY IN THE REVIEW OF COURT DECISION PROCESS THAT PREVAILS IN INDONESIA**

(Verdict Case Study Number 434/PID/B/2011/PN.BDG jo. Number 350 K/PID.SUS/2013 jo. Number 75 PK/PID.SUS/2017)

(xi + 75 pages; 3 attachments)

A trademark performs as a sign that is capable of distinguishing the goods or services of another, as a guarantee for qualification and it should have a unique name. However, the trademark needs to be protected from the other parties to use their mark without permission. The formulation of the problem in this research are how the application of the territorial principle to dispute over brand similarity and how the similarity of novum as one of the reasons in the process of submitting a judicial review? The research method in this research is normative juridical with secondary data and interview with mr. Mahyudi Nazriansyah as a police grand commissioner and analyzed by using the descriptive-qualitative method. Based on the result of research, a person may be subject to criminal provisions if the person has committed a criminal offense within the Indonesia state. According to the territorial principle, a person cannot be convicted if the act is not committed within Indonesia state. If there is a trademark dispute case and the convict feels dissatisfied with the verdict he received during the cassation level trial process, these convicts are able to request an appeal to the supreme court of judicial review. Requirements of an application for judicial review is employing a mistake or an oversight on the decision of the judges before and also there are new evidence. Terms of new evidence is the evidence has not been shown in previous evidentiary hearing and the criteria of new evidence can strengthen an application for review and the result can be free or lighter from all charges.

Keywords : Trademark, Territorial Principle, Novum.

References : 36 (1981-2019)