

## **ABSTRACT**

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### **JUDICIAL REVIEW ON CANCELLATION ACTION AGAINST REGISTERED DESCRIPTIVE KOK TONG KOPITIAM MARK**

(xiii+96 pages; 4 tables; 3 attachments)

Trademark is an indicator to distinguish goods and/or services provided by a company to another company. Trademark is part of Intellectual Property Rights protected by Law Number 20 Year 2016 concerning Trademark and Geographical Indication. Trademark has a lot of merits towards producer and consumer. And hence, such law protection is required upon rights of trademark. Law protection of rights of trademark is obtained after a trademark is registered. This research focused on KOPITIAM trademark, which has already been registered since 1995. The owner of KOPITIAM appealed for cancellation toward KOK TONG KOPITIAM trademark even though the registered KOPITIAM trademark is deemed as a generic and descriptive mark due to its general terms as well as mentioning goods and/or services requested by the registrant. This is against the law of trademark which states that trademark is not allowed to be registered if it is a generic and descriptive mark. This research used normative juridical type. Data used on this research are sekunder data obtained by conducting a library research. Those data were then analyzed descriptively and qualitatively by conducting a law approach and case approach. Law Number 15 Year 2001 concerning Marks and Law Number 20 Year 2016 concerning Trademark and Geographical Indication are used as references. KOPITIAM should have not been able to be registered because it is clearly a descriptive mark. On the other hand, KOK TONG KOPITIAM should have been able to be registered since it has enough distinguishing factor through its Kok tong words.

References: 29 (1985-2018)

Key words: Brand registration, Generic name, Descriptive name, Brand cancellation.