

ABSTRAK

Ezra Karunia (NIM: 00000021737)

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(xii+64 pages; 2 tables; 2 attachments)

Trademark is one of the Intellectual Property Rights that is protected by law. Protection of trademarks is regulated in Act Number 20 of 2016 concerning Trademarks and Geographical Indications. The main function of the brand is to identify and distinguish between one product with another. But in practice, in Indonesia there are still often imitations of famous brands submitted by other parties. The act caused the brand cancellation lawsuit. One example is the suit to cancel SAMHWA brand. This research aims to understand and answer the formulation of the problem in this research, namely how is the regulation of well-known brands in Indonesia according to Act Number 20 of 2016 concerning Brands and Geographical Indications? and How is the judge's consideration in deciding the cancellation of a mark in the case of cassation number 1106K / PDT.SUS-HKI / 2018 ?. The research method used is normative, which is a research method that seeks to solve problems by researching and examining positive legal norms by conducting library studies. The results showed that referring to the first problem formulation regarding the regulation of well-known brands in Indonesia according to Act Number 20 of 2016 on Trademarks and Geographical Indications is to regulate the criteria of well-known marks, the rejection of trademark registration that has similarities in principle or in whole with famous brands and others. In the second formulation of the problem, the consideration of the cassation panel of judges who granted the appeal was in accordance with applicable laws and regulations.

References: 27 (1986-2019)

Keywords : trademark, well-known brands, brand cancellation