

ABSTRACT

Amelia Zafin (NIM: 00000001691)

A DISREGARDED OF CRIMINAL LAW AS ULTIMUM REMEDIUM IN TRADEMARK CASE

(xiii+137 pages, 5 cases)

Trademark is a part of intellectual property rights, which has function to identify the origin of stuff/merit from a company and also a spearhead in trading activities of stuff/merit. By trademark, a company could keep and give guarantee of quality of their stuff/merit and to prevent unfair competition from other company, which has bad faith to ruin their reputation. Even the regulation has adjust about trademark overall, but practically there was some problem about the verification of trademark. The kind of research is a normative research by using secondary data within primary, secondary, and tarsier law source. In the efforts to recover their rights which been violated, the trademark holder could go through administrative, civil law, and criminal law to recover their rights. The trademark holder could go through criminal law without administrative and civil law first because the law didn't put the ultimatum remedium principle in the regulation so that principle was ignored oftentimes. Depends of four cases that have been analyzed, the trademark holder which go through criminal law has been granted by the judges in court. The ultimatum remedium principle is not a necessity but it's better if the legislator would put it explicitly, with notes that the kind of stuff/merit, which harmful for environment, human and public welfare, the ultimatum remedium principle could be ignored.

References: 22 (1986-2015)

Keywords: Trademark, Criminal Law, Ultimatum Remedium