

## ABSTRACT

Globalization has created global economies and expanded markets in international trades; hence a need to develop a comprehensive system that can provide legal protection globally. In order to complement such evolution, legal harmonization, which includes Intellectual Property Rights (IPR) in the legal system is essential. In this regard, Indonesia has systematically developed its IPR system, particularly in regards to trademarks law. Among others, such law is intended to provide adequate and effective protection for both traditional and non-traditional trademarks registration.

This normative legal research focuses on the study and analysis of the norms, principles and standard provisions of the existing trademarks laws; particularly on the aspect of non-traditional marks protection. Comparative studies found that although the existing Trademarks Law of 2016 acknowledges the protection of non-traditional marks, but limited so far to only feature such as three dimensional marks, while smell and/or fragrance are not included. With such limited scope on non-traditional marks protection, legal uncertainties thus become inevitable. In the absence of an inclusive scope of protection in regards the non-traditional trademarks, coupled with the exclusion of certain types of protected marks, a lacuna is inevitably created to the advantage of the privileged few.

The issues raised in this research cover assessment on trademarks regulation, its implementation as well as some proposals on how to improve it. The implementation of such protection, particularly on non-traditional marks, needs further rules which require all-inclusive details in order to satisfy the legal aspects, both administratively and technically.

In order to alleviate such quandary, it would be best to propose in the legislation an amendment to incorporate complete, all-inclusive norms and standards of protection for all non-traditional trademarks into the existing Trademarks Law of 2016 in Indonesia.

**Keywords :** Legislation, Trademark, Non-Traditional Mark.