

ABSTRACT

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JURIDICAL REVIEW OF REJECTION ON APPLYING BRAND REGISTRATION PREMIUMCAREPURE

(Verdict Case Study Number 32/Pdt.Sus-Merek/2018/PN.Niaga.Jkt.Pst jo. Number 472 K/Pdt.Sus-HKI/2019)”

(ix+ 72 pages; 2 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 to regulate trademark infringement in law number 20 of 2016 concerning marks and geographic indications and are the transitional provisions and the closing provisions contained in law number 20 of 2016 concerning marks and geographical indications are appropriate for the panel of judges to use in deciding case number 32/Pdt.Sus-Merek/2018/PN.Niaga.Jkt.Pst jo number 472 K/Pdt.Sus-HKI/2019. The research method in this research is normative juridical with secondary data and analyzed by using the descriptive-qualitative method. Based on the result of research, the owner of a registered brand can sue another party who unlawfully uses a brand which has an element of similarity in essence to the brand of the plaintiff. The principle of *lex posteriori derogat lex priori* states that the new law overrides the old law. Therefore, Law Number 15 Year 2001 has been declared invalid since Law Number 20 Year 2016 came into effect.

Keywords : Trademark, *Lex posteriori derogate lex priori*, Substantial similarity.

References : 32 (1994-2018)