

ABSTRACT

Chelsya Mulyadi (01051170008)

LEGAL PROTECTION OF INTERNATIONAL WELL-KNOWN TRADEMARKS IN INDONESIA (CASE STUDY OF THE SUPREME COURT JUDGEMENT NUMBER 68 K/PDT.SUS-HKI/2020)

(xiii + 109 pages: 6 pictures: 3 tables: 3 attachments)

Trademarks are part of Intellectual Property Rights which plays an important role in the era of globalization. The existence of trademarks can cause a high selling value that can be used as a tool to be able to compete in the free trade era, especially for well-known company. However, that might also lead to the presence of competitors who have bad intentions by carrying out unfair competition using several methods. Trademark owners have the right to prohibit others from using the same or similar trademarks and also the right to revoke registration of same or similar trademarks if it is proven to have bad faith (trademark cancellation). In addition to Act Number 20 of 2016 regarding Marks and Geographical Indication, the protection of international well-known trademarks in Indonesia are also regulated in ratified international conventions such as the TRIPs Agreement, Paris Convention, Madrid Agreement, Trademark Law Treaty and Nice Agreement. These regulations should be able to provide legal certainty in the protection of international well-known trademarks in Indonesia, but in reality today, cases of international well-known trademarks dispute in Indonesia continue to increase. This is due to the weak legal system that exists in law enforcement practices, thus creating a negative image of legal uncertainty in Indonesia. This thesis aims to analyze legal protection of international well-known trademarks in Indonesia. Based on the description above, the author also wants to apply the analysis of dispute over GS by GS Yuasa Corporation that filed trademark cancellation against GSJ by Golden Surya Jaya Inc. The lawsuit that filed by GS Yuasa Corporation is based on Article 76 of Act Number 20 of 2016 regarding Marks and Geographical Indications.

Keywords : Internernational Well-known Trademarks, Trademark Cancellation, Bad Faith

References : 72 (1982 – 2020)