

## ABSTRACT

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### **LEGAL PROTECTION OF WELL-KNOWN MARK IN INDONESIA AGAINST PASSING OFFS**

**Case Study: STUDI PUTUSAN NO. 3/PDT.SUS-HKI/MERЕК/2019/PN  
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In the era of globalization that is rapidly developing in all aspects of human life, it has resulted in trade and economic flows that had a positive impacts. The rapid development provides the opportunity to produce a various types of goods or services. But, the rapid growth of the globalization could give a bad influence, because it can create an unhealthy business competition in the market both domestic and international. Trademark is one way to attract consumer. Through a unique and distinctive mark, making consumers recognize these products easily. When the product's reputation goes up and becomes famous mark, it will be very easy to benefit because the product has been widely known in the community. However, there are many other parties who want to gain profit easily, namely by imitating and copying well-known existing trademark (passing-off). This is a frequent violation of the law in Indonesia. Therefore, well-know trademark need a protection. Legal protection in Indonesia is regulated in Law 20 of 2016 Concerning Marks and Geographical Indication, and completed by international agreement, such as The Paris Convention and TRIPs Agreement. Writer will explain the case of cancellation ALSTYLE mark registry in Indonesia because of bad faith registry. Registered ALSTYLE mark in Indonesia have the same overalls with famous ALSTYLE mark from Barbados. Writer infer that the plaintiff is the mark holder of ALSTYLE mark, by seeing the facts, proofs and laws.

Keywords: Well-Known Trademark, Legal protection, Passing-off, Bad Faith

References: 24 (1997-2017)