

## ABSTRACT

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**“JURIDIC REVIEW OF THE CASE OF DECISION NUMBER 53/PDT.SUS.MEREK/2019/PN.NIAGA.JKT.PST. JO. CASE OF DECISION NUMBER 640 K/PDT.SUS-HKI/2020 REVIEWED FROM LAW NUMBER 20 OF 2016 CONCERNING MARKS AND GEOGRAPHIC INDICATIONS”**

(xiii + 100 pages; 1 attachment)

In Indonesia, business activity has increased along with the development of globalization. Business cannot be separated from business people and products. Business actors are not limited to manufacturing/factory businesses or industries that are identical with mass production using machines or complex technology. Business actors also include art workers, writers and educators who carry out a production process that produces works in the form of songs, books, and other creations in the field of education that can be sold commercially. The results of artistic productions, educational literature, as well as factory-made products or production procedures that are up-to-date and require high intellectual power and are produced with energy, time, and also no small cost, so they need to be protected. The rights to the intellectual works can be referred to as "Intellectual Property Rights". In Indonesia, there are 2 types of IPR that will be protected, namely: first, Communal IPR is given to a group of people who live in a certain area and personal intellectual property rights are given to individuals who produce an intellectual work. In this case, the author wants to discuss the categorization and qualification of well-known marks based on Law Number 20 of 2016 concerning Marks and Geographical Indications and also discuss issues related to well-known trademark disputes. Based on Decision Number 53/Pdt.Sus.Merek/2019/Pn.Niaga.Jkt.Pst. jo. In the case of decision number 640 K/Pdt.Sus-Hki/2020, the Cassation Petitioner filed a lawsuit for the cancellation of the mark against the trademark of the Cassation Respondent in relation to the well-known mark of the Cassation Applicant. This is presumably due to bad faith by the cassation Respondent who has registered his trademark with the Directorate General of Intellectual Property Rights with the intention of misrepresenting the fame of the Appellant's Mark. In the decision of the Commercial Court, the Cassation Petitioner's claim was not granted, but in the Supreme Court's appeal decision, the Cassation Petitioner's claim was fully granted.

Reference: 91 (1969-2021)

Keywords: Famous Brand, Famous Brand Protection, Famous Brand Categorization, Famous Brand Qualification