ABSTRACT

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JURIDICAL ANALYSIS OF THE JUDGMENT'S CONSIDERATIONS IN 100 PERCENT BRAND DISPUTE CASES IN RESPECT OF FAMOUS MARK PROTECTION
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The 100% trademark owned by the Plaintiff is a trademark originating from the United States of America. The plaintiffs have used the mark since the 1980s. The Plaintiff filed for trademark registration in September 2020. However, it turned out that the Defendant named Jeffry Permana had already registered the 100% markin September 2015. This prompted the Plaintiff to file a lawsuit against the Defendant because he was deemed to have registered a trademark that resembled the Plaintiff's well-known brand. The Panel of Judges of the District Court and thePanel of Judges of the Supreme Court stated that the brand owned by the Plaintiff was a well-known mark. The trademark registration carried out by the Defendant had bad faith because the registered trademark was in its entirety similar to the Plaintiff's trademark. The author will analyze the arrangements for the protection of well-known brands and analyze the legal considerations of the panel of judges. This study uses normative legal research. The type of data used is primary, secondary and tertiary legal materials. The data collection method used was literature study and resource interviews. The type of approach used in this study isthe statutory approach and the case approach. The nature of data analysis is qualitative. Result: Law Number 20 of 2016 has provided protection for well- known brands. The Panel of Judges of the District Court and the Supreme Court have been right in applying the law on trademark disputes 100%.

Keywords: Unregistered Famous Brand, Trademark Cancellation

References: 29 Books (1978 -2018)