

ABSTRAK

Merek walaupun telah diatur sedemikian rupa dalam UU merek, namun tetap saja terjadi banyak pemalsuan dan penyalahgunaan merek oleh para pelaku yang beritikad tidak baik. Hal ini tentu saja sangat merugikan pelaku bisnis pemilik merek karena dapat berdampak berkurangnya omzet perusahaan dan hilangnya kepercayaan masyarakat konsumen, akibat kualitas yang tidak sama dan kuantitas produk atau jasa yang diberikan. Salah satu sengketa hak merek adalah sengketa hak merek terkenal Philip Stein antara Philip Stein Holding, INC dengan Kasim Halim.

Berawal dari pihak Philip Stein Holding, INC akan mendaftarkan merek Philip Stein di Dirjen HKI, harus mendapati bahwa merek Philip Stein telah didaftarkan dan digunakan oleh pihak Kasim Halim. Pihak Philip Stein Holding, INC mendaftarkan gugatan pembatalan hak atas merek ke Pengadilan Niaga pada Pengadilan Negeri Jakarta Pusat. Putusan pada tingkat peradilan pertama menyatakan gugatan Philip Stein Holding, INC ditolak, dan pihak penggugat mengambil langkah hukum Kasasi ke Mahkamah Agung yang hasilnya memperkuat putusan pada tingkat pertama pada Putusan Nomor. 276 K/Pdt.Sus-HKI/2014.

Kata Kunci : Merek, Terkenal, Philip Stein, Dirjen HKI, , Putusan MA No. 276 K/Pdt.Sus-HKI/2014.

ABSTRACT

Although the brand has been arranged in such a way in the Act brand, but still a lot of fraud and brand abuse by the perpetrators bad faith. It is of course very detrimental to businesses as they affect the brand owner company's reduced turnover and the loss of public confidence in the consumer, due to unequal quality and quantity of products or services rendered. One of the disputed trademark is famous brand rights disputes between Philip Stein Philip Stein Holding, INC with Kasim Halim.

Starting from the Philip Stein Holding, INC will register the brand Philip Stein, Director General of Intellectual Property Rights, must realized that brand Philip Stein has been registered and used by Kasim Halim. Philip Stein Holding, INC parties register a trademark lawsuit over the rights to the Commercial Court at Central Jakarta District Court. Decisions on the level of the first court that the lawsuit Philip Stein Holding, INC refused, and the plaintiff took legal action to the Supreme Court of Cassation that the results reinforce the Supreme Decision at first instance on Decision Number. 276 K / Pdt.Sus-IPR / 2014.

Key Words : Brand, Mark, well known, Philip Stein, Director General of IPR, The Supreme Court's Decision No. 276 K/Pdt.Sus-HKI/2014.