

ABSTRAK

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LEGAL PROTECTION OF TRADE SECRET LICENSOR IN FRANCHISE AGREEMENT

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Currently, the economy in Indonesia is developing, which indicates a need for proper legal protection and legal certainty to protect trade activities. Usually, in trading, business actors make efforts to develop their business using a franchise collaboration method which is based on an agreement, namely a franchise agreement. A franchise agreement cannot be separated from a trade secret, just as a trade secret cannot be separated from a license. In a franchise collaboration, the Franchisor grants trade secret rights in the form of a license to the Franchisee. This could pose a risk of disclosure or leakage of trade secret information by the Franchisee. If according to statutory regulations this incident constitutes a violation of a trade secret license, therefore this research aims to understand the rights of the trade secret licensor in the franchise agreement and to understand the legal consequences for the licensee who divulges trade secrets. The author uses normative legal research methods which are carried out by reviewing and researching regulations and laws to resolve the legal issues being studied. In conclusion, the implementation of franchising carries risks related to trade secret protection, namely the occurrence of trade secret leaks. This leak can cause losses for the trade secret owner, because the information can be used by other parties without permission. When someone commits a trade secret violation, they will be given sanctions for their actions which are regulated in laws and government regulations. Trade secret owners have the right to use their trade secrets themselves. If the owner wants to grant rights to another party, this must be done through a license which requires a license agreement between the trade secret rights holder and the licensee. Thus, the license agreement becomes an important instrument in legal protection regarding trade secret rights in franchise agreements.

Keywords: Legal Protection, Trade Secret License, Franchise Agreement

References: 47 (1982-2022)