

ABSTRACT

Javier Rachli Wicaksana Hidayat (01051190235)

JURIDICAL REVIEW OF THE IMPLEMENTATION OF SIMILARITY IN ESSENCE IN THE TRADEMARK DISPUTE OF POLO BY RALPH LAUREN (Case Study of Verdict 9 PK/Pdt.Sus-HKI/2024 and Verdict 3101K/Pdt/1999)

(LV + 55 pages)

Intellectual Property Rights are essential in the world of trade, as they are divided into copyrights, trademarks, and so on. A trademark serves as an identifier of a product, making it a distinctive feature of a brand. This case study will discuss the implementation of Article 21 regarding "similarity in essence" in Law Number 20 of 2016 on Trademarks and Geographical Indications. Furthermore, how do judges consider their decisions in reviewing Verdict 9 PK/Pdt.Sus-HKI/2024, jo. Verdict 465 K/Pdt.Sus-HKI/2023, jo. Verdict 83/Pdt.Sus.HKI/Merek/2022? The purpose of this case study is to understand the concept of "Similarity in Essence and/or Overall Similarity" as regulated in Law Number 20 of 2016 on Trademarks and Geographical Indications, and to examine the considerations of the Panel of Judges in evaluating Verdict 9 PK/Pdt.Sus-HKI/2024, Verdict 465 K/Pdt.Sus-HKI/2023, and Verdict 83/Pdt.Sus.HKI/Merek/2022. The application of "similarity in essence" is examined by identifying the dominant elements of the two trademarks. In this case, a study will be conducted on the trademarks Polo Ralph Lauren and Polo by Ralph Lauren, analyzing the judges considerations to determine whether the decision was accurate or if there were any errors. There are still errors in the judges considerations in Verdict 9 PK/Pdt.Sus-HKI/2024 jo. Verdict 465 K/Pdt.Sus-HKI/2023, jo. Verdict 83/Pdt.Sus.HKI/Merek/2022 due to the incorrect application of Article 21 in Law Number 20 of 2016 on Trademarks and Geographical Indications.

Keywords : Similarity In Essence, Trademark, Dominant elements

References : 30 (1945-2024)