

Analisis praktik impor paralel dan pemberian exclusive distribution agreement antara PT. Modern Photo TBK dan PT International Photographic Suppllies/PD Star Photographic Supllies berdasarkan hukum persaingan usaha = Analysis parallel imports and exclusive distribution agreement between pt modern photo tbk and pt international phothographic supllies pd star photographic supllies under competition law

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Abstrak

Impor paralel dapat dijelaskan sebagai aktivitas penjualan produk bermuatan hak kekayaan intelektual (HKI), tetapi terjadi di luar kontrol dari pemilik HKI-nya, utamanya karena dilakukan dari negara yang berbeda. Praktik impor paralel ini masih diperdebatkan terutama mengenai status kelegalannya. Pelaku impor paralel biasanya akan mendapatkan perlawanan dari distributor resmi dari peroduk yang bersangkutan. Penelitian ini digolongkan ke dalam penelitian kepustakaan normatif dengan melakukan studi dokumen. Pokok permasalahan yang penulis angkat dalam penelitian ini adalah tentang pengaturan impor paralel dan pemberian exclusive distribution agreement berdasarkan Hukum Persaingan Usaha. Berdasarkan analisis dalam penelitian ini tindakan impor paralel tidak dilarang karena exhaustion theori, namun penerapannya masih belum konsisten karena perbedaan pandangan terhadap teori ini. Dan pemberian exclusive distribution agreement walaupun mengandung unsur anti persaingan, tidak secara otomatis melanggar hukum karena menganut prinsip rule of reason.

*Parallel imports is reselling products without the consent of the patent holder, of a pathented product marketed in The practice of parallel imports is still debated, especially concerning of its legitimate. The comman problem with importer is get dispute with the authorized distributor. This research is classified into normative literature research by documents. The issues of this research is regulation of parallel import and exclusive distribution agreement under the competition law. By virtue analysis in this research, parallel imports are not prohibited according to exhaustion theories, but its practices are still not certainty due to different views on this theory. although exclusive distribution agreement contains elements of anti-competitive, does not automatically violate the law, due to rule of reason principle.*