

Komparatif analisis yuridis berkaitan dengan itikad tidak baik dalam pendaftaran merek berdasarkan perspektif undang undang merek (studi kasus : putusan no 38/PDT/SUS MEREK/ 2014/PN.NIAGA/JKT PST) = Comparative juridical analysis regarding bad faith on trademark registration from the perspective of trademark law case study on decision no 38/PDT/SUS MEREK/ 2014/PN.NIAGA/JKT PST) / Gilang Nusantara Gunarso

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Abstrak

[Skripsi ini membahas tentang itikad tidak baik dalam pendaftaran merek dan perbandingan hukum dengan Undang-Undang Merek dari tiap Indonesia, Amerika Serikat, dan Jepang. Merek penting dalam kegiatan perdagangan barang dan jasa dan memiliki nilai komersial. Kemampuan sang pemilik merek untuk memelihara kualitas dapat memberikan reputasi baik dan popularitas terhadap merek. Maka dari itu, perlindungan hukum adalah perlu untuk menjaga merek dari tindakan apapun yang dilakukan oleh pihak lain yang dapat mengakibatkan kerugian bagi pemilik merek. Perlindungan hukum tersebut dapat diperoleh melalui pendaftaran merek, namun ada ketentuan yang mengatur apakah suatu merek dapat didaftarkan atau tidak dan itikad tidak baik selalu menjadi pokok persoalan penting dalam pendaftaran merek, maka dari itu penelitian ini akan dilakukan dengan meneliti hukum dan undang-undang yang berlaku dan juga literatur yang berkaitan dengan masalah penelitian. Dengan kata lain, penelitian ini disusun sebagai penelitian yuridis normatif. Lebih lanjut, analisis studi kasus Putusan No. 38/PDT/SUS-MEREK/2014/PN.NIAGA.JKT.PST tentang merek &#1048755;&#1048614;&#1048648;&#1048661;&#1048663;&#1048652;&#1048649;&#1048652;&#1048648;&#1048647;&#1048579; &#1048619;&#1048664;&#1048656;&#1048644;&#1048657;&#1048579; &#1048629;&#1048648;&#1048662;&#1048658;&#1048664;&#1048661;&#1048646;&#1048648;&#1048662;&#1048579; &#1048627;&#1048661;&#1048658;&#1048649;&#1048648;ssio&#1048657;&#1048644;&#1048655;&#1048756;&#1048579; &#1048587;&#1048614;&#1048619;&#1048629;&#1048627;&#1048588;&#1048579; &#1048653;&#1048664;&#1048650;&#1048644;&#1048579; &#1048656;&#1048648;&#1048657;&#1048653;&#1048644;&#1048647;&#1048652;&#1048579; &#1048649;&#1048658;&#1048654;us dari skripsi ini, dengan uraian pembahasan terhadap unsur itikad tidak baik perihal kasus tersebut.;This undergraduate thesis discusses about the bad faith on trademark registration and legal comparison with the Trademark Law from Indonesia, United States, and Japan. Trademark is essential in trade activity of goods or services and has commercial value in it. The ability of the trademark owner to maintain the quality of the trademark could give the result of goodwill, good reputation or popularity of the

trademark. Thus, the legal protection is necessary for keeping the trademark from any action conducted by the other parties that may cause damage for the trademark owner. The legal protection can be obtained through the trademark registration, however there are provisions that regulate whether trademark can be registered or not and bad faith has always become the important issue on trademark registration. Therefore this research carried out by researching the prevailing laws and regulations as well as literatures related to the research problems. In other words, this research is organized as juridical normative research.

Furthermore, case study analysis on Decision No. 38/PDT/SUS-MEREK/2014/PN.NIAGA.JKT.PST about the "Certified Human Resources Professional" (CHRP) trademark is also become the focus of this undergraduate thesis with elaboration on bad faith element regarding to the case, This undergraduate thesis discusses about the bad faith on trademark registration and legal comparison with the Trademark Law from Indonesia, United States, and Japan. Trademark is essential in trade activity of goods or services and has commercial value in it. The ability of the trademark owner to maintain the quality of the trademark could give the result of goodwill, good reputation or popularity of the trademark. Thus, the legal protection is necessary for keeping the trademark from any action conducted by the other parties that may cause damage for the trademark owner. The legal protection can be obtained through the trademark registration, however there are provisions that regulate whether trademark can be registered or not and bad faith has always become the important issue on trademark registration. Therefore this research carried out by researching the prevailing laws and regulations as well as literatures related to the research problems. In other words, this research is organized as juridical normative research. Furthermore, case study analysis on Decision No. 38/PDT/SUS-MEREK/2014/PN.NIAGA.JKT.PST about the "Certified Human Resources Professional" (CHRP) trademark is also become the focus of this undergraduate thesis with elaboration on bad faith element regarding to the case]