

Analisis perbandingan hukum mengenai tanggung jawab penyedia platform e-commerce terhadap pelanggaran merek di Indonesia dengan Amerika Serikat dan Cina = comparison of platform intermediary's responsibility towards trademark infringement in Indonesia with United States and China

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Abstrak

ABSTRAK

Dengan perkembangan teknologi, semua aktivitas manusia menjadi lebih efisien. Salah satunya dalam hal jual beli. Teknologi internet memungkinkan penjual dengan konsumen untuk jual beli tanpa tatap muka, yaitu lewat perdagangan elektronik (e-commerce). Seiring dengan perkembangan proses penjualan beli, semakin banyak masalah yang ada. Salah satu masalahnya adalah pelanggaran merek. Di platform e-niaga online Ada tiga pihak di pasar, yaitu Penyedia Platform, Pedagang, dan Konsumen. Jika terjadi pelanggaran pada platform e-commerce, Penyedia Platform sering dianggap sebagai pihak yang bertanggung jawab atas pelanggaran itu. Skripsi ini membahas tentang latar belakang terciptanya safe harbour kebijakan yang dibentuk untuk melindungi penyedia platform e-commerce yang sering dianggap sebagai pihak yang bertanggung jawab atas pelanggaran di platform serta analisis komparatif dari tanggung jawab Penyedia Platform ECommerce terhadap konten pelanggaran merek di Indonesia (Safe Harbor Policy) dengan Amerika (The Digital Millenium Act) dan China (Hukum E-commerce) berdasarkan lima indikator yaitu regulasi, tindakan, hukuman, batas waktu dan set tipe platform.

ABSTRACT

With the development of technology, all human activities have become more efficient. One of them is in terms of buying and selling. Internet technology allows sellers and consumers to buy and sell without face to face, namely through electronic commerce (e-commerce). As the buying and selling process progresses, more and more problems arise. One of the problems is brand infringement. In the online e-commerce platform There are three parties in the market, namely Platform Providers, Traders and Consumers. If there is a violation on the e-commerce platform, the Platform Provider is often considered to be the party responsible for the violation. This thesis discusses the background of the creation of a safe harbor policy that was formed to protect e-commerce platform providers who are often considered the party responsible for violations. on the platform as well as a comparative analysis of the responsibilities of ECommerce Platform Providers for brand infringement content in Indonesia (Safe Harbor Policy) with America (The Digital Millenium Act) and China (E-commerce Law) based on five indicators, namely regulations, actions, penalties, time limits and the platform type set.