

Safe Harbor Policy Sebagai Perlindungan Hukum Bagi Penyelenggara Perdagangan Melalui Sistem Elektronik Terhadap Pelanggaran Merek = Safe Harbor Policy as Legal Protection for E-commerce Organizers Against Trademark Infringement

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Abstrak

Pelanggaran merek marak terjadi seiring dengan pertumbuhan e-commerce. Penyelenggara Perdagangan Melalui Sistem Elektronik ikut bertanggung jawab dalam hal terjadi pelanggaran, namun tanggung jawabnya dibatasi oleh safe harbor policy. Penelitian ini dilakukan dengan metode yuridis normatif, dengan meninjau putusan pengadilan, di Amerika Serikat dan Perancis, serta pengaturan di Indonesia. Berdasarkan hasil analisis putusan pengadilan, penulis dapat mengambil kesimpulan bahwa berbeda dengan Amerika Serikat, di Perancis, e-commerce diharapkan untuk meng ambil tindakan terhadap pelanggaran merek tanpa pengetahuan spesifik terkait dengan pelanggaran merek. Hal ini dapat dilakukan oleh e-commerce di Indonesia untuk memaksimalkan Perlindungan hukum safe harbor policy.

.....Trademark infringement is rife along with the growth of e-commerce. Electronic System Operators are also responsible in the event of a violation, but their responsibilities are limited by the safe harbor policy. This research was conducted using a normative juridical method, by reviewing court decisions, in the United States and France, as well as regulations in Indonesia. Based on the results of the analysis of court decisions, the authors can conclude that in contrast to the United States, in France, e-commerce is expected to take action against brand infringement without specific knowledge related to trademark infringement. This can be done by e-commerce in Indonesia to maximize the legal protection of the safe harbor policy.