

Pertanggungjawaban Online Marketplace Di Indonesia Ditinjau Berdasarkan Undang-Undang Merek Dan Indikasi Geografis (Studi Perbandingan UU Merek Dan Indikasi Geografis Dan Eu Regulation 1001/2017 On The European Union Trade Mark) = Online Marketplace Liability in Indonesia based on Law regarding Marks and Geographical Indication (Comparison Studies on Law regarding Mark and Geographical Indication and EU Regulation 1001/2017 On The European Union Trade Mark)

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Abstrak

Globalisasi merupakan faktor utama pengembangan teknologi dan pertumbuhan ekonomi dunia. Seiring dengan adanya perkembangan teknologi, berkembang pula pengembangan teknologi di bidang informasi dan komunikasi, yaitu dengan munculnya teknologi internet. Pertumbuhan ekonomi berbasis teknologi internet di Indonesia, didorong oleh adanya platform online marketplace. Akan tetapi, pada kenyataannya, di dalam perdagangan yang dilakukan melalui online marketplace tersebut, banyak terjadi pelanggaran merek dan hak kekayaan intelektual yang terjadi, dimana terdapat platform online marketplace yang berbasis di Indonesia yang termasuk ke dalam situs yang harus diperhatikan oleh United States Trade Representative karena maraknya pelanggaran kekayaan intelektual di dalamnya. Akan tetapi, pada kenyataannya untuk menuntut pertanggungjawaban online marketplace yang membiarkan terjadinya pelanggaran merek menjadi hal yang pelik di Indonesia, mengingat tidak adanya larangan bagi pengelola tempat perdagangan untuk membiarkan terjadinya pelanggaran merek di tempat yang dikelolanya. Lebih lanjut maka Penulis memperbandingkan pengaturan mengenai merek di dalam online marketplace di Indonesia dengan peraturan yang berlaku di European Union. Dalam karya tulis ini, Penulis memiliki kesimpulan yaitu terkait bagaimana seharusnya pengaturan di lingkungan merek dan pengaturan di bidang online marketplace untuk mengatur pertanggungjawaban online marketplace.

.....Globalization is a major factor in technological development and world economic growth. Along with the development of technology, the development of technology in the field of information and communication has also developed, namely the emergence of internet technology. Internet technology-based economic growth in Indonesia is driven by the existence of an online marketplace platform. However, in reality, in electronic transactions conducted through the online marketplace, there are many mark and intellectual property rights violations that occur, where there is an online marketplace platform based in Indonesia which is included in the site that must be considered by the United States Trade Representative because of rampant intellectual property infringement in it. However, in fact, demanding liability for online marketplaces that allow mark infringement to occur is a complicated matter in Indonesia, given that there is no prohibition for trade place managers to allow brand infringement to occur in the places they manage. Furthermore, the author compares the regulation of marks in the online marketplace in Indonesia with the regulations that apply in the European Union. In this paper, the author has a conclusion that is related to how the regulations regarding marks and the online marketplace should regulate online marketplace liability in mark infringement.