

Analisis Perlindungan Merek Tiga Dimensi, Suara dan Hologram di Indonesia, Uni Eropa dan Amerika Serikat = Analysis on Protection of Three-Dimensional, Sound and Hologram Marks in Indonesia, European Union and United States of America

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Abstrak

Perlindungan merek tiga dimensi, suara dan hologram telah diatur di dalam UU No. 20 Tahun 2016 tentang Merek dan Indikasi Geografis. Sejak lima tahun diadopsikannya tiga jenis merek nontradisional tersebut, ketentuan baru mengenai larangan bentuk yang bersifat fungsional baru diberlakukan pada tahun 2021. Berdasarkan statistik, selama lima tahun terakhir terdapat peningkatan permohonan pendaftaran. Oleh karenanya, perlu dilakukan penelitian mengenai bagaimana penerapan perlindungan merek tiga dimensi, suara dan hologram di Indonesia. Penelitian ini menggunakan metode yuridis normatif untuk meneliti rumusan permasalahan mengenai topik terkait yang didukung dengan bahan-bahan hukum primer, sekunder dan tersier. Penelitian ini juga menggunakan pendekatan komparatif, yaitu membahas perlindungan merek tiga dimensi, suara dan hologram di Uni Eropa dan Amerika Serikat. Adapun selama lima tahun mengadopsi merek tiga dimensi, suara dan hologram di Indonesia, terdapat permasalahan yang dihadapi, yaitu mengenai representasi merek, penilaian daya pembedanya dan larangan fungsionalitas. Skripsi ini akan menyimpulkan mengenai perbandingan sistem hukum, penerapan di masing-masing negara. Serta memberikan saran berupa solusi dari permasalahan penerapan perlindungan merek tiga dimensi, suara dan hologram di Indonesia.

.....The protection of three-dimensional, sound and hologram brands has been regulated in Law no. 20 of 2016 concerning Trademark and Geographical Indications. Five years since Indonesian Government adopted the adoption the three types of non-traditional marks, new provisions regarding the prohibition of functional forms will only be enforced in 2021. Based on statistics, over the last five years there has been an increase in applications for registration. Therefore, it is necessary to conduct research on how Indonesian Government apply the protection of three-dimensional, sound and hologram marks. This research will use normative legal method to seek answers based on presented research questions that is supported by primary, secondary, and tertiary legal materials. This study also uses a comparative approach, which discusses the protection of three-dimensional, sound and hologram marks in the European Union and the United States. In adopting three-dimensional, sound and hologram marks in Indonesia, there have been problems faced, namely regarding the representation, assessing distinctiveness, and functionality exclusion. Furthermore, there will be a conclusion about the comparison of legal systems, their application in each country and solutions to the problems of implementing three-dimensional, sound and hologram marks protection in Indonesia.