

ABSTRACT

TEMMY SANTOSO. *JURIDICAL ANALYSIS OF LEGAL PROTECTION OF WELL KNOWN MARK (Case Study of Supreme Court Judgment No. 165 PK/Pdt.Sus/2012 between Inter IKEA System B.V Vs PT. Angsa Daya).* (guided by Prof. Dr. Hendra Tanu Atmadja, SH., MIP., LLM).

The brand, as one of the intellectual property, has an important role for the smooth and increased trade and investment. The brand (with its "brand image") can meet the consumer's need for the identifying marks, and is a guarantee of the quality of the product or service. This thesis is based on the well-known IKEA brand dispute against the IKEMA brand that has been disconnected to the level of Judicial Review. Ordinary brand, have no appeal to be the primary choice of consumers, on the contrary the well-known mark, or even the famous brand, the symbol will be enthralling and has its own appeal to the consumer. IKEMA is accused of passing off IKEA's introduction, due to the reputation or goodwill of IKEA, and has economic value. Well-known mark must be granted legal protection, from unauthorized trademark user manufacturer. The economic interests of well-known mark are recognized in TRIPs, WIPO, and GATT which are also ratified by Indonesia. This research is normative juridical research with descriptive method. This research is conducted by reviewing the Supreme Court Judgment No. 165 PK/Pdt.Sus/2012. This study uses secondary data sources, in the form of legal materials that is literature/books with literature study to find concepts, theories, opinions that are closely related to the subject matter. The introduction of a brand is regional rather than international. The general public knowledge criteria of a brand in a business field concerned in a region is crucial to know whether a brand is famous or not. The implementation of legal protection against the well-known mark is also required preventive and repressive efforts. The results show that IKEA is a well-known mark.. Legal protection issues well-known mark of non similar goods are in Article 6 paragraph (2) of Law no. 15 Th 2001, causing legal protection of well-known mark for non similar goods to be not maximal, resulting in Supreme Court Judgment No. 165 PK/Pdt.Sus/2012 does not satisfy the sense of justice, as it harms the owner of the IKEA which has been ridden its introduction. The government should clarify the well-known marks definition and criteria, so that not many future cases of disputes will arise. For IKEA, it is advisable to take extraordinary remedies through the Judicial Review.

Keywords: well-known mark, legal protection