THESIS APPROVAL SHEET

LEGAL PROTECTION AGAINST FOREIGN WELL-KNOWN MARKS IN INDONESIA FROM *PASSING OFF* REPUTATION JURIDIC REVIEW OF THE SUPREME COURT DECISION NO. 10/PDT.SUS.MEREK/2020/PN.NIAGA.JKT.PST. *JO*. DECISION NO. 39 PK/PDT.SUS-HKI/2021

By : IVA OLIVIA NURRAHMADINA NIM : E1B018016

Compiled to Fulfill Requirements Obtaining a Bachelor's Degree In The Law Study
Program At The Bachelor Faculty of Law
Jenderal Soedirman University

Received and Approved
On Date

Examiner/Preceptor

Preceptor I/Examiner II

Examiner III

Agus Mardianto, S.H., M.H.

Sukirman, S.H., M.Hum.

Suyadi, S.H., M.Hum.

NIP. 196508312003121001 NIP. 195810061984031001 NIP. 196110101987031001

Perceive,

of Law Faculty

Jenderal Socarman University,

Prof. D. Milliam d Fauzan, S.H., M.Hum.

NIP. 19650520199003 003

STATEMENT OF AUTHENTICITY OF THESIS

I here by,

Name : Iva Olivia Nurrahmadina

NIM : E1B018016

Thesis Title : LEGAL PROTECTION AGAINST FOREIGN

WELL-KNOWN MARKS IN INDONESIA FROM PASSING OFF REPUTATION JURIDIC REVIEW OF THE SUPREME COURT DECISION NO. 10/PDT.SUS.MEREK/2020/PN.NIAGA.JKT.PST.

JO. DECISION NO. 39 PK/PDT.SUS-HKI/2021

Stating truthfully that the thesis I have made is truly by my own work and does not plagiarize the work of others or be made by others.

If in the future it is proven or can be proven that this thesis is a plagiarism, then I am willing to accept sanctions in accordance with the applicable provisions.

Purwokerto, Agustus 2022 Represent

Iva Olivia Nurrahmadina

DEDICATION

Assalamualaikum Warahmatullahi Wabarakatuh,

Praise be to Allah *Subhanallahu Wa Ta'ala* for all his mercy and gifts, so that the author can complete the preparation of the thesis entitled:

LEGAL PROTECTION AGAINST FOREIGN WELL-KNOWN MARKS IN INDONESIA FROM *PASSING OFF* REPUTATION JURIDIC REVIEW OF THE SUPREME COURT DECISION NO. 10/PDT.SUS.MEREK/2020/PN.NIAGA.JKT.PST.JO. DECISION NO. 39 PK/PDT.SUS-HKI/2021

Which is where this thesis is one of the requirements for obtaining a Bachelor of Laws degree at the Faculty of Law, Jenderal Soedirman University. There are many obstacles and difficulties that the author faced when compiling this thesis. However, thanks to the support, assistance, and guidance from various parties, this thesis can be completed properly. For that, the author would like to express many thanks to:

- 1. Prof. Dr. Muhammad Fauzan, S.H., M.Hum., as Dean of the Faculty of Law, Jenderal Soedirman University;
- 2. Mrs. Prof. Tri Lisiani Prihatinah, S.H., M.A., Ph.D, as my Academic preceptor who has been patient in guiding and giving direction to me during the lecture period;
- 3. Mr. Agus Mardianto, S.H., M.H., as my Preceptor I who has been very well and patiently, and sincerely took his time, energy and thoughts to guide and provide direction for the author, so that this thesis can be completed properly;
- 4. Mr. H. Sukirman, S.H., M.Hum., as my Preceptor II who has been very well, patient, and sincere also to take his time, energy, and thoughts to guide and provide direction for the author, so that this thesis can be completed properly;
- 5. Mr. H. Suyadi, S.H., M.Hum., as the Examiner/Evaluator Lecturer who has also taken his time to provide criticism, and suggestions in the preparation of this thesis so that this thesis can be completed properly;
- 6. All Lecturers, Staff, and Employees of the Academic Community, Faculty of Law, Jenderal Soedirman University;

- 7. To the beloved parents Papa Miftahurrokhman and Mama Sumarningsih who never stop giving prayers, affection, and support and advice to the author. Thank you for all the love and affection, I am very grateful;
- 8. To myself, thank you for being patient to pass this lecture period from beginning to end, thank you for being able to go through various times both from joy and sorrow, thank you for being patient to go through all the moments and time and energy until finally achieving this Bachelor's degree;
- 9. To my sister Ina Amalia, thank you also for your support from the lecture period until the author completes this thesis;
- 10. And to my beloved friends especially Ghina, Nadya, Ratu, Arrad, Intani, Seviola, Uti, Dwi, Carin, Kenny thank you for always being there to accompany the writer's days, as well as friends in the hall of the trading room like Bimo, Diyanti, and others who don't can be mentioned one by one, thank you very much for sharing information, support, and assistance and going through ups and downs together;

The author apologizes if there are any wrong words or deeds that have hurt the heart during the author's process at the Unsoed Faculty of Law. May the good deeds of all of you be reciprocated by Allah Almighty. The author also realizes that this thesis is far from perfect, therefore criticism and suggestions are needed. Hopefully this thesis can be useful for all readers.

Purwokerto, Agustus 2022

Iva Olivia Nurrahmadina

INTRODUCTION

All praise and gratitude of the author prays for the presence of Allah S.W.T for all the abundance of grace and gifts in the form of uninterrupted knowledge, so that with His permission the author can finally complete this Thesis, as is a requirement to obtain a Bachelor of Laws degree in the Law Study Program, Faculty of Law, Universitas Jenderal Soedirman Purwokerto.

The author realizes that there is nothing perfect in the world, especially this work, of course, is far from perfect, improvements here and there must continue to be made to minimize all existing shortcomings and mistakes. Borrowing the proverb "there is no ivory that is not cracked", the author greatly appreciates if there is a reprimand from all parties, whether constructive or not, to be an improvement in the future.

On this occasion also, with all humility, let the author express only the highest gratitude and appreciation to all parties who have helped in the completion of this Thesis, both in the form of guidance, direction, input, suggestions, criticism, encouragement and advice that is really priceless.

Finally, despite all the shortcomings that exist, whether it is in terms of intellectuality or the form of presentation, the author still hopes that no matter how small this work can still be useful, even if it is like a speck of foam in the vast ocean of science.

Purwokerto, Agustus 2022

Iva Olivia Nurrahmadina

TABLE OF CONTENTS

TITLE PAGE	
THESIS APPROVAL SHEET i	
STATEMENT SHEET OF AUTHENTICITY	
OF THESIS ii	
DEDICATION iii	
ABSTRACT iv	
INTRODUCTIONv	
TABLE OF CONTENTSvi	
CHAPTER I PENDAHULUAN	4
A. Background	1
B. Problem Formulation	11
C. Research Objectives	11
D. Research Uses	11
E. Theoritical Framework	12
CHAPTER II LITERATURE REVIEW A. Brand	
1. Definition, function and types of brands	17
2. Legal aspects of trademark registration	22
3. Brand tranfers and license	28
4. Trademark infringement and dispute resolution	34
B. Legal Protection against Foreign Famous Brands in Indonesia	
1. Well-know marks under Indonesian	
trademark law	41
2. The Principle Of National Treatment as	
Part Of Legal Protection efforts against foreign famous brands in	
Indonesia	51
3. The Passing Off of Foreign Well-known brands Related	
To the practice of business competition	62

A. Approach Method	80
B. Spesification Method	80
C. Data Source	81
D. Data Collection Method	82
E. Data Presentation Method	82
F. Data Analysis Method	82
CHAPTER IV RESEARCH RESULTS AND DISCUSSION	
A. Research Results	84
B. Discussion.	117
CHAPTER V CLOSING	
A. Conclusion	156
B. Suggestion.	157
BIBLIOGRPHY 7963	

CHAPTER III RESEARCH METHODS