

CHAPTER V

CONCLUSION

A. Conclusion

Based on the results of the research and discussion previously described, it can be concluded that:

1. The verdict of the Central Jakarta Commercial Court Number 36/Pdt.Sus- Merek/2024/PN.Niaga.Jkt.Pst. has provided legal protection to the Plaintiff's "JOLLIBEE" Trademark which is recognized as a well-known Trademark and registered in DUM at DJKI. The verdict granted the cancellation of the Defendant's Trademark "JOLLYBE" because it is in accordance with Article 21 paragraph (1) letters a, b, and Article 21 paragraph (3) of the MIG Law. It is proven that the Defendant's Trademark has similarities in essence with the Plaintiff's Trademark which was registered with the intention not to imitate and utilize the reputation of the Plaintiff's Trademark. With this decision, the Plaintiff's exclusive rights to the "JOLLIBEE" Trademark are recognized and the Defendant's "JOLLYBE" Trademark is canceled.
2. The legal effect of the cancellation of the Defendant's Trademark which has similarities in essence or in its entirety in Court Decision Number 36/Pdt.Sus-Merek/2024/PN.Niaga.Jkt.Pst. is the deletion and cancellation of the Trademark from DUM at DJKI. Since the date of the deletion, the certificate of the Trademark "JOLLYBE" owned by the

Defendant was declared invalid, which resulted in the deletion and cancellation of the Trademark the end of the legal protection of the Defendant's "JOLLYBE" Trademark. The Defendant no longer has exclusive rights over the Trademark, and the "JOLLYBE" Trademark no longer enjoys legal protection.

B. Recommendation

1. Trademark owners who want to apply for Trademark registration should first look for detailed information in DUM through the official website of the DGKI to find out whether the Trademark they want to register has been registered by another party. Parties who intend to register a Trademark must pay attention to the applicable laws and regulations regarding Trademark registration, in order to avoid mistakes in the registration process, it is important to avoid infringement of the exclusive rights of Trademarks owned by other parties, as well as prevent disputes in the future that can harm the parties involved.
2. Trademark Examiners at DJKI are expected to be more thorough in examining each application received, in terms of administrative and substantive, in accordance with the provisions contained in the MIG Act. This is done as a preventive measure to ensure that no registrant who has bad faith can escape in registering his Trademark, as well as to protect the exclusive rights of Trademarks that have been registered and avoid potential violations in the future.