

CHAPTER V

CONCLUSION

A. Conclusion

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

1. Decision of the Central Jakarta Commercial Court Number 8/Pdt.Sus-HKI/Memerk/2025/PN. Niaga.Jkt.Pst has been in accordance with the MIG Law, especially Article 21 paragraph (1) letter a regarding the application to be rejected if the Trademark has similarities in the main or entirety. The Judge's decision provides legal protection for the Plaintiff's registered trademark "SENSATIA" in the form of cancellation of a registered trademark that has similarities in substance and is based on bad faith. The Defendant's "SENSATIA" trademark has similarities in principle with the Plaintiff's "SENSATIA" trademark but in a different type of class, namely, class 3 belongs to the Plaintiff while class 20 and class 24 belong to the Defendant. The Plaintiff's trademark "SENSATIA" has been registered first, making the Plaintiff the first applicant for the registration of the "SENSATIA" Trademark and the Defendant is an applicant who is in bad faith when applying for the registration of the "SENSATIA" Trademark. Trademark legal protection in this case is carried out through preventive and repressive legal protection, where preventive protection functions to prevent infringement through the registration mechanism and the application of the

principle of good faith, while repressive protection is realized through trademark cancellation as a form of restoration of trademark owners' rights and the enforcement of justice.

2. The legal consequence of the defendant's trademark "SENSATIA" is the cancellation of the trademark registration through the removal from the General Register of Trademarks and the announcement in the Official Gazette of Trademarks by the Directorate General of Intellectual Property, based on the provisions of Article 21 paragraph (1) of the Trademark and Geographical Indications Law due to the similarity in substance or in whole with the trademark of another party. The cancellation resulted in the administrative abolition of the registration and exclusive rights of the "SENSATIA" Trademark, the civil opening of claims for termination of use and compensation, as well as an economic decline in commercial value, loss of potential business profits and the sustainability of businesses using the Trademark.

B. Recommendations

Based on these conclusions, the author provides the following suggestions:

1. For Brand Holders/Business Actors, to be more careful and in good faith in choosing and registering brands, as well as conducting brand searches first to ensure that the brand to be registered has no similarities with other brands that have been registered.

2. For Trademark Examiners at DJKI, it is recommended to increase selectivity in the implementation of field surveys on trademark registration and renewal applications to ensure that the applicant has really carried out production activities in accordance with the class of goods and/or services registered, through administrative and substantive checks guided by the provisions of the MIG Law, so as to prevent the registration of trademarks submitted in bad faith.

