

DAFTAR PUSTAKA

Peraturan Perundang-undangan

Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis (Lembaran Negara Republik Indonesia Tahun 2016 Nomor 252, Tambahan Lembaran Negara Republik Nomor 5953)

Lanham Act

Trademark Act

Buku

Adisumarto, Harsono, 1990, *Hak Milik Intelektual Khususnya Paten dan Merek, Hak Milik Perindustrian (Industrial Property)*, Akademika Pressindo, Jakarta

Amiruddin dan Asikin, Zainal, 2004, *Pengantar Metode Penelitian Hukum, Raja Grafindo Persada*, Jakarta

Bouchoux, D. E., 2013, *Intellectual Property: The Law of Trademarks, Copyrights, Patents, and Trade Secrets*, Delmar, Clifton Park

Djumhana, Muhammad Djumhana dan R Djubaedillah, 1993, *Hak Milik Intelektual (Sejarah, Teori dan Prakteknya di Indonesia)*, Citra Aditya Bakti, Bandung

Ghidini, Gustavo, 2006, *Intellectual Property and Competition Law: The Innovation Nexus*, Edward Elgar Publishing Limited, Cheltenham

Harahap, M. Yahya, 1996, *Tinjauan Merek Secara Umum dan Hukum Merek di Indonesia Berdasarkan UU No. 19/1992*, Citra Aditya Bakti, Bandung

Indriyanto, Agung dan Mela, Irnie, 2017, *Aspek Hukum Pendaftaran Merek*, Rajawali Pers, Jakarta

Jened, Rahmi, 2015, *Hukum Merek (Trademark Law) Dalam era Globalisasi dan Integrasi Ekonomi*, Kencana, Jakarta

Jened, Rahmi, 2007, *Hak Kekayaan Intelektual (Penyalahgunaan Hak Eksklusif)*, Airlangga University Press, Surabaya

Lindsey, Tim, Damian, Eddy, Butt, Simon, dan Utomo, Tomi Suryo, 2005, *Hak Kekayaan Intelektual Suatu Pengantar*, Alumni, Bandung

Marzuki, Peter Mahmud, 2005, *Penelitian Hukum*, Kencana, Jakarta

Mertokusumo, Sudikno, 1989, *Mengenal Hukum*, Liberty, Yogyakarta

Muhjad, M. Hadin dan Nudwardani, Nunuk, 2012, *Penelitian Hukum Indonesia Kontemporer*, Genta Publishing, Yogyakarta

- Muhammad, Abdulkadir, 2004, *Hukum dan Penelitian Hukum*, Citra Aditya Bakti, Bandung
- Parr, Russel L., 2018, *Intellectual Property: Valuation, Exploitation, and Infringement Damages*, 5th edition, Wiley, New Jersey
- Rivkin, Steve dan Sutherland, Fraser, 2004, *The Making of a Name: The Inside Story of the Brands We Buy*, Oxford University Press, New York
- Saidin, OK., 2004, *Aspek Hukum Hak Kekayaan Intelektual*, PT Raja Grafindo Persada, Jakarta
- Sandner, Phillip, 2010, *The Valuation of Intangible Assets: An Exploration of Patent and Trademark Portfolios*, Springer Gabler, Munchen
- Soejono dan Abdurrahman, 2003, *Metode Penelitian Hukum*, Rineka Cipta, Jakarta
- Sunggono Bambang, 2003, *Metode Penelitian Hukum Suatu Pengantar*. Raja Grafindo Persada, Jakarta.
- Utomo, Tomi Suryo, 2010, *Hak Kekayaan Intelektual (HKI) di Era Global: Sebuah Kajian Kontemporer*, Graha Ilmu, Yogyakarta.
- Waluyo, Bambang, 1991, *Penelitian Hukum dalam Praktek*, Sinar Grafika, Jakarta
- Zed, Mestika, 2008, *Metode Penelitian Kepustakaan*, Yayasan Obor Indonesia, Jakarta

Dokumen Pemerintah Amerika Serikat

- USPTO, '1207.01 Likelihood of Confusion Juli 2021', <https://tmep.uspto.gov/RDMS/TMEP/current#/current/TMEP-1200d1e5036.html>, diakses pada 3 Januari 2022
- USPTO, 'Trademark Manual of Examining Procedure, 1207.01(d)(viii) Consent Agreements, Juli 2021', <https://tmep.uspto.gov/RDMS/TMEP/current#/current/TMEP-1200d1e6229.html>, diakses pada 9 September 2021
- USPTO, 'Registration Maintenance/Renewal/Correction Forms', **Error! Hyperlink reference not valid.**, diakses pada 15 September 2021
- USPTO, 'Why Register Your Trademark?', <https://www.uspto.gov/trade-marks/basics/why-register-your-trademark>, diakses pada 9 September 2021
- US Securities and Exchange Commission, 'Coexistence Agreement Between Open Bank, S.A. & OPEN BANK', <https://www.sec.gov/Archives/edgar/data/0001722010/000119312518070493/d441280dex1015.htm>, diakses pada 20 Januari 2022

Jurnal

- Choi, W. W., Kwon, S. S., dan Lobo, Gerald, 'Market Valuation of Intangible Assets. *Journal of Business Research*', Vol 49, No. 1, 35–45, Juli 2000
- Cohen, Morris, 'The Common Law in the American Legal System: The Challenge of Conceptual Research', *Yale Law School Legal Scholarship*, 1989
- Duffin, Francis J. dan Watson, Bryan S., 'Best Practices in Protecting and Enforcing Trademarks, Copyrights, and Others Intellectual Property Rights', *Franchise Law Journal*. Vol. 28, No. 3, Winter 2009
- Hoek, J., dan Gendall, P., 'Colors, Brands, and Trademarks - The Marketing (and Legal) Problems of Establishing Distinctiveness', *Journal of Advertising Research*, Vol. 50, No. 3, September 2010
- Landes, William M. dan Richard A. Posner, 'Trademark Law: An Economic Perspective, *The Journal of Law & Economics*', Vol. 30, No. 2, Oktober 1987
- Mezak, Meray Hendrik, 'Jenis, Metode, dan Pendekatan dalam Penelitian Hukum', *Law Review: Fakultas Hukum Universitas Pelita Harapan*, Vol. 5, No. 3, Maret 2006.
- Moss, Marianna, 'Trademark 'Coexistence' Agreements: Legitimate Contracts or Tools of Consumer Deception', *Loyola Consumer Law Review*, Vol. 18, No. 2, Juli 2006
- Nur, Amirul Mohammad, 'Impor Pararel dalam Hukum Merek Indonesia, *Yuridika*, Vol. 30, No. 2, Mei- Agustus 2015
- Permata, Rika Ratna dan Khairunnisa Muthia, 'Perlindungan Hukum Merek Tidak Terdaftar di Indonesia', *Jurnal Opinio Juris* Vol. 19, No. 2, 2016
- Petty, R. D., 'Naming names: Trademark strategy and beyond: Part one— Selecting a brand name. *Journal of Brand Management*', Vol. 15, No. 3, Januari 2008
- Pozen, Robert dan Hirsch, Jordan, 'U. S. and EU Trademark Protection, Harvard', *Business School Publishing*, Vol. 309, No. 21, Mei 2009
- Ranti Fauza Mayana, 'Perlindungan Merek Non Tradisional untuk Produk Ekonomi Kreatif Berdasarkan Undang-Undang Nomor 20 Tahun 2016 tentang Merek, Indikasi Geografis, dan Perspektif Perbandingan Hukum', *Jurnal Bina Mulia Hukum*, Vol. 2, No. 1, September 2017
- Wiles, Spencer T., 'The TTAB Should Drink a Beer and Relax: Implications for Trademark Consent Agreements in the Craft Brewing Industry

After In re Bay State Brewing Company, Inc.’ Washington and Lee University of Law, Vol. 74, No. 1, 2017

Putusan Pengadilan

- Putusan Mahkamah Agung Nomor 1146 K/Pdt.Sus-HKI/2020 antara Acer Corporation melawan Komisi Banding Merek
- Putusan Mahkamah Agung No. 179PK/PDT.SUS/2012, antara Paimin Halim melawan Abdul Alek Soelistio
- Putusan Mahkamah Agung Nomor 450 K/Pdt.Sus-HKI/2014, antara Toyota Motor Corporation melawan Welly Karlan
- Putusan Mahkamah Agung Nomor 279/PK/Pdt/1992
- Putusan Pengadilan Amerika Serikat antara Dawn Donut Co. v. Hart's Food Stores, Inc., 2 Cir., 267 F. 2d 358, 1959
- Putusan Pengadilan Amerika Serikat antara Industrial Indemnity Co. v. Apple Computer, Inc., 79 Cal.App.4th 817, 71 Cal.App.4th 452, 95 Cal. Rptr. 2d 528, 1999
- Putusan Pengadilan Amerika Serikat antara Mishawaka Rubber & Woolen Mfg. Co. v. S. S. Kresge Co., 316 U.S. 203, 1942
- Putusan Pengadilan Amerika Serikat antara United Drug Co. v. Theodore Rectanus Co., 248. U.S. 90., 1980
- Putusan Pengadilan Banding Amerika Serikat untuk Sirkuit Ketujuh antara Ty, Inc. melawan Ruth Perryman, diputus tanggal 4 Oktober 2002, 306 F.3d 509
- Putusan Pengadilan Banding Amerika Serikat untuk Sirkuit Kesembilan antara Qualitex Co. melawan Jacobson Products Co., Inc., diputus tanggal 28 Maret 1995, 514 U.S. 159
- Putusan Pengadilan Amerika Serikat, Sirkuit kedua, Times Mirror Magazines v. Field Stream, 294 F.3d 383 (2d Cir. 2002)
- Putusan TTAB Amerika Serikat antara Ron Cauldwell Jewelry, Inc. v. Cothetime Clothes, Inc., 63 U.S.P.Q.2d 2009, 2002

Skripsi

- Lienardo, Gabriella, 2019, Analisis Yuridis terhadap Perlindungan Hukum Merek Nontradisional (Studi Perbandingan Hukum Indonesia dengan Amerika Serikat dan Uni Eropa), Skripsi, Program Studi Ilmu Hukum, Fakultas Hukum Universitas Gadjah Mada, Yogyakarta
- Steven, 2015, Tinjauan Yuridis Mengenai Perlindungan Hak Merek dalam Perspektif Perbandingan Hukum Indonesia dan Amerika Serikat, Skripsi, Program Sarjana Universitas Internasional Batam, Batam

Chaudhry, Muhammad Sarwar, 2007, Scope of Trademark Protection, Master Thesis, University of Lund

Thomsen, Carin, 2012, Trademark Coexistence Agreements in the Perspective of EU Competition Law, Master Thesis, Department of Law, University of Gothenburg

Internet

Arum, Nenden Sekar, 'Ini Pentingnya Merek Dagang Bagi Pelaku Usaha', Entrepreneur Bisnis (16 Juni 2015), **Error! Hyperlink reference not valid.**, diakses pada 8 Januari 2022

Cornell Law School, 'Trademark', *Cornell*, **Error! Hyperlink reference not valid.**, diakses pada 15 September 2021

Chochrek, Ella 'Brooks Brothers Is Fighting Back Against Brooks Sports, Trademark Infringement Suit', Footwear News, <https://footwearnews.com/2020/business/legal-news/brooks-brothers-brooks-sports-trademark-lawsuit-1202942850/>, diakses pada 13 Februari 2022

Direktori Putusan Mahkamah Agung Republik Indonesia, <https://putusan3.mahkamahagung.go.id/>, diakses pada 25 Januari 2022

EUIPO, *Graphycal Representation – Types of Mark*, <https://euipo.europa.eu/ohimportal/en/elimination-of-graphical-representation-requirement>, diakses pada 9 Juni 2022

Hikam, Herdi Alif Al, 'Digugat Perusahaan Korsel soal Merek Fatigon, Apa Kata Kalbe Farma', *Detik Finance* (12 November 2021), <https://finance.detik.com/bursa-dan-valas/d-5807970/digugat-perusahaan-korsel-soal-merek-fatigon-apa-kata-kalbe-farma>, diakses pada 14 Januari 2022

Johnson, Martin, 'Collaborative Brewing is Heating Up in the Beer World', *Eater* (5 Juni 2015), <http://www.eater.com/drinks/2015/6/5/8734935/collaborative-brewing-is-heating-up-in-the-beer-world>, diakses pada 16 Januari 2022

Liputan Humas DJKI, 'Sengketa Merek GoTo: DJKI Tunggu Putusan Pengadilan', *DJKI* (19 November 2021) **Error! Hyperlink reference not valid.**, diakses pada 21 Oktober 2021

Law Offices of Nikki Siesel PLLC, 'Is a Co-Existence Agreement the Right Choice for Your Brand?', <https://www.ny-trademark-lawyer.com/is-a-co-existence-agreement-the-right-choice-for-your-brand.html>, diakses pada 11 Januari 2022

- Meggison, Jordan, 'Trademark Consent and Coexistence Agreements', *Brown Winick Law* (24 Agustus 2020), <https://brownwinick.com/2020/08/24/trademark-consent-and-coexistence-agreements/>, diakses pada 23 Januari 2022
- Moyer, Cynthia A., '99 Bottles of Beer on the Wall—2 With the Same Name', *Law 360* (17 Maret 2016), https://www.law360.com/articles/770574/99-bottles-of-beer-on-the-wall-2-with-the-same-name?article_related_content=1, diakses pada 16 Januari 2022
- Nanayakkara, Tamara, 'IP and Business: Trademark Coexistence', *WIPO Magazine* (November 2006), https://www.wipo.int/wipo_magazine/en/2006/06/article_0007.html, diakses pada 7 September 2021
- Pangkalan Data Kekayaan Intelektual, <https://pdki-indonesia.dgip.go.id/>, diakses pada 29 Januari 2022
- Pramesti, Tri Jata Ayu, 'Arti 'Persamaan pada Pokoknya' dalam UU Merek dan Indikasi Geografis', *Hukum Online* (13 Agustus 2020) <https://www.hukumonline.com/klinik/detail/ulasan/lt560aad4d30945/arti-persamaan-pada-pokoknya-dalam-uu-merek-dan-indikasi-geografis/>, diakses pada 17 September 2021
- Quinn, Gene, 'State vs. Federal Trademarks, Which Is Right for Your Business?' *IP Watchdog* (25 November 2017), **Error! Hyperlink reference not valid.** diakses pada 15 September 2021
- Sandler, Alex, 'How to Use a Trademark Consent Agreement to Overcome a 2(d) Refusal', *Alt Legal* (5 Oktober 2020), <https://www.altlegal.com/blog/how-to-use-a-trademark-consent-agreement-to-overcome-a-2d-refusal/>, diakses pada 19 Januari 2022
- Sistem Informasi Penelusuran Perkara PN Jakpus, http://sipp.pn-jakartapusat.go.id/index.php/detil_perkara, diakses pada 12 Januari 2022
- Sullivan, Roxanna, 'Non-Traditional Trademark through the Lens of the USPTO', *IAM Media* (23 Oktober 2015), <https://www.iam-media.com/non-traditional-trademarks-through-lens-uspto>, diakses pada 9 Januari 2022
- Swan, Marty, 'The World's Most Valuable Brand', *Forbes* (27 Juli 2020), <https://www.forbes.com/the-worlds-most-valuable-brands/#63305449119c>, diakses pada 7 September 2021
- The Law Dictionary, 'What is Trademark?', **Error! Hyperlink reference not valid.**, diakses pada 11 November 2021
- Thomson Reuters Practical Law, 'Benefits and Risks of Trademark Coexistence Agreements', *Practical Law UK* (16 September 2013),

[https://uk.practicallaw.thomsonreuters.com/4-540-5507?transitionType=Default&contextData=+\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/4-540-5507?transitionType=Default&contextData=+(sc.Default)&firstPage=true), diakses pada 17 Januari 2022

Vegas Golden Knights, 'Golden Knights and U.S. Army Enter Into Trademark Coexistence Agreement', *NHL* (20 Juli 2018), <https://www.nhl.com/goldenknights/news/golden-knights-and-us-army-enter-into-trademark-coexistence-agreement/c-299533494>, diakses pada 17 Januari 2022