

## **Gugatan Pelanggaran Merek Berdasarkan Pasal 1365 KUH. Perdata Dan Berdasarkan Undang-Undang Merek**

### **INTISARI**

Penelitian tentang gugatan pelanggaran merek berdasarkan Pasal 1365 KUH. Perdata dan berdasarkan Undang-undang Merek bertujuan untuk memperoleh jawaban tentang gugatan mana yang lebih memberikan jaminan keberhasilan di antara kedua gugatan tersebut.

Penelitian dilakukan dengan cara penelitian kepustakaan dan penelitian lapangan. Penelitian lapangan dilakukan di Mahkamah Agung Republik Indonesia dengan menggunakan metode study dokumen.

Hasil penelitian menunjukkan bahwa gugatan berdasarkan UU Merek lebih memberikan jaminan keberhasilan dari pada gugatan berdasarkan Pasal 1365 KUH. Perdata karena dipengaruhi oleh tiga faktor. Ketiga faktor tersebut adalah materi gugatan, pembuktian dan persidangannya. Materi gugatannya lebih jelas, pembuktiannya lebih mudah, dan persidangannya ditangani oleh hakim yang khusus untuk itu, proses persidangannya lebih cepat, putusan dapat dilaksanakan lebih dahulu walaupun ada upaya hukum.

Kata-kata kunci : Gugatan pelanggaran merek, Undang-undang Merek, Pasal 1365 KUH. Perdata.

## **The Trade Mark Infringement Sue Based On Article 1365 KUH. Perdata And Based On To The Trade Mark Act**

### **ABSTRACT**

This research about trade mark infringement sue based on Article 1365 KUH. Perdata and based on to the Trade Mark Act aims to find answered with one that gived more a guarantee of succesful.

This research is done with library research and field research. The field research is done at Mahkamah Agung Republic Indonesian (The Supreme Court of Republic of Indonesia) with used document study method.

The conclusion of the research have indicated that the sue based on to the Trade Mark Act was gived more a guarantee of successful from the sue based on Article 1365 KUH. Perdata because it was influenced by three factors. There were the contents of sue, the proving, and the processing of court. The contents of sue was more clearly. The proving was easier. The processing of court was hold by the special judge, it was faster, and the decision could be done early before it become final and binding.

Key words : Trade mark infringement sue, the Trade Mark Act, Article 1365 KUH. Perdata.