

## INTISARI

### **KONSEP UNSUR DOMINAN SEBAGAI PELINDUNGAN MEREK TERKENAL BERDASARKAN SISTEM *FIRST-TO-FILE* (STUDI KASUS: HARDWOOD PRIVATE LTD. MELAWAN PT. UNILEVER INDONESIA, TBK.)**

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Penelitian ini bertujuan untuk menganalisis pengaturan dan implementasi konsep unsur dominan sebagai upaya pelindungan merek terkenal dalam kerangka hukum sistem *first-to-file* di Indonesia. Pembahasan disajikan dengan pendekatan studi kasus terhadap penegakan hukum merek “Strong” antara Hardwood Private Ltd. melawan PT. Unilever Indonesia, Tbk. sebagai acuan untuk memperoleh gambaran umum dalam tataran implementatif.

Penelitian ini adalah penelitian berjenis normatif yang didukung dengan data hasil wawancara bersama narasumber. Sumber data meliputi (i) data primer berdasarkan hasil wawancara; dan (ii) data sekunder berdasarkan hasil studi kepustakaan. Hasil pengumpulan disajikan menggunakan metode deskriptif-evaluatif dengan menggunakan analisis yang bersifat kualitatif.

Penelitian ini menarik kesimpulan bahwa pengaturan berdasarkan hukum positif di Indonesia saat ini telah memberikan pelindungan merek terkenal yang optimal melalui konsep unsur dominan berdasarkan sistem *first-fo-file*. Di sisi lain, implementasi pengaturan tersebut dalam kasus merek “Strong” antara Hardwood Private Ltd. melawan PT. Unilever Indonesia, Tbk. masih menunjukkan adanya permasalahan berupa *legal error*. Ihwal demikian, hasil studi ini dapat dijadikan sebagai evaluasi dan wawasan dalam upaya meningkatkan pelindungan merek terkenal melalui implementasi konsep unsur dominan berdasarkan sistem *first-to-file* di Indonesia.

**Kata Kunci:** Pelindungan Merek, Unsur Dominan, Merek Terkenal, *First-to-file*

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## ABSTRACT

***THE CONCEPT OF DOMINANT ELEMENT AS A PROTECTION FOR WELL-KNOWN MARKS BASED ON THE FIRST-TO-FILE SYSTEM (CASE STUDY: HARDWOOD PRIVATE LTD. VS. PT. UNILEVER INDONESIA, TBK.)***

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*This study aims to analyze the regulation and implementation of the concept of dominant elements as a means of protecting well-known marks within the legal framework of the first-to-file system in Indonesia. The discussion is presented through a case study approach, focusing on the trademark dispute over “Strong” between Hardwood Private Ltd. and PT. Unilever Indonesia, Tbk., as a reference to provide a general overview at the implementation level.*

*This is a normative legal research supported by interview data from key informants. The data sources consist of (i) primary data obtained through interviews; and (ii) secondary data obtained through literature study. The collected data is presented using a descriptive-evaluative method with qualitative analysis.*

*The study concludes that the current positive law in Indonesia has provided optimal protection for well-known marks through the concept of dominant elements under the first-to-file system. However, the implementation of such regulation in the “Strong” trademark case between Hardwood Private Ltd. and PT. Unilever Indonesia, Tbk. reveals certain issues in the form of legal errors. Therefore, the findings of this study can serve as an evaluation and insight to enhance the protection of well-known marks through the implementation of the dominant element concept under the first-to-file system in Indonesia.*

**Keywords:** *Trademark Protection, Dominant Element, Well-known Mark, First-to-file*

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