



UNIVERSITAS
GADJAH MADA

Penghapusan merek terdaftar non use dari daftar umum merek oleh ditjen haki ditinjau dari sudut kewenangan mengadili pengadilan niaga

MUZANNY, Abdul Aziz, Prof. Emmy Pangaribuan, S.H

Universitas Gadjah Mada, 2010 | Diunduh dari <http://etd.repository.ugm.ac.id/>

THE DELETE OF REGISTERED NON USE TRADEMARK FROM GENERAL TRADEMARK REGISTER BY DIRECTORATE GENERAL INTELLECTUAL PROPERTY RIGHTS A REVIEW OF COMMERCIAL COURT JURISDICTION TO JUSTICE

ABSTRACT

By

Abdul Aziz Muzanny¹, Emmy Pangaribuan S², Nugroho Amin S³

The aim of this research is to have a deeper knowledge of the cancellation of a registered trademark from the Trademark State Gazette based on non-use, the competency of Commercial Court, in addition to the cancellation of trademark certificate by Administrative Court.

This research took place at Jakarta Commercial Court on Central Jakarta District Court. The data obtained from the Jakarta Commercial Court on Central Jakarta District Court considered as primary data. In order to obtain the detail, the researcher review the ruling of Commercial Court in relation to the trademark cancellation based on non-use, especially the verdict and the legal consideration made by the Panel of Judges of Commercial Court in deciding the case of trademark cancellation based on non-use. This research has also utilized the data and documents obtained from the library. The researcher also conducted interviews with the trademark owner of whose trademark are being cancelled based on non-use, the Judges of Commercial Court, Trademark Attorney and some other scholar having expertise in handling trademark cancellation based on non-use.

The research used a qualitative normative legal method. Such method refers to the prevailing legal norms. Qualitative research used to analyze the collected data, either from the library research or interview. This research emphasizes the result to the library research, therefore the priority of this research is the secondary data.

Based on the research it could be concluded: (1) the Directorate General of Intellectual Property Rights Office is the authorized party to cancel the registered trademark based on non-use; (2) Indonesian Marks Law up to date does not have the mechanism for cancellation trademark proceedings in conducting trademark case, but utilizing the civil procedural law or criminal procedural in comply with the respective trademark case; (3) The Administrative Court does not have the authorization to cancel the trademark certificate.

Key Words: Trademark Law, the Delete of Registered Trademark, Commercial Court

¹ Abdul Aziz Muzanny, Faculty of Law, Trisakti University, Jakarta

² Emmy Pangaribuan S, Faculty of Law, Gadjah Mada University, Yogyakarta

³ Nugroho Amin S, Faculty of Law, Gadjah Mada University, Yogyakarta