

ABSTRAK

PERLINDUNGAN HUKUM TERHADAP PEMILIK MEREK TERKENAL ASING DALAM SENGGKETA MEREK DENZA (Studi Putusan Nomor 1/Pdt.Sus-HKI/Merek/2025/PN.Niaga.Jkt.Pst)

Oleh

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Sengketa merek DENZA antara *BYD Company Limited* melawan PT Worcas Nusantara Abadi menjadi sorotan penting dalam penerapan prinsip *First to File* di Indonesia. Meskipun BYD mengklaim DENZA sebagai merek terkenal global, pendaftarannya di Indonesia terhambat oleh pendaftaran pihak lokal. Penelitian ini mengkaji terkait perlindungan hukum terhadap pemilik merek terkenal asing berdasarkan Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis, dan berdasarkan Putusan Pengadilan Niaga Nomor 1/Pdt.Sus-HKI/Merek/2025/PN.Niaga.Jkt.Pst, serta akibat hukum yang ditimbulkan dari putusan tersebut.

Jenis penelitian yang digunakan adalah penelitian hukum normatif dengan tipe penelitian deskriptif. Pendekatan masalah yang digunakan adalah pendekatan yuridis normatif melalui studi pustaka. Data yang digunakan terdiri dari data sekunder yang meliputi bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, bahan hukum sekunder, serta bahan hukum tersier. Pengolahan data dilakukan dengan cara seleksi data dan klasifikasi data yang kemudian dianalisis secara kualitatif untuk menarik kesimpulan.

Hasil penelitian dan pembahasan menunjukkan bahwa perlindungan hukum terhadap merek terkenal asing yang belum terdaftar di Indonesia bersifat represif melalui gugatan pembatalan berdasarkan Pasal 76 dan 77 Undang-Undang No. 20 Tahun 2016 tentang Merek dan Indikasi Geografis, namun efektivitasnya sangat bergantung pada ketepatan prosedur litigasi. Akibat hukum dari Putusan Nomor 1/Pdt.Sus-HKI/Merek/2025/PN.Niaga.Jkt.Pst adalah gugatan BYD dinyatakan tidak dapat diterima (*Niet Ontvankelijke Verklaard*) karena terjadi cacat formil *error in persona* akibat pengalihan hak merek oleh Tergugat. Hal ini mengakibatkan hak eksklusif pendaftar lokal tetap tegak dan perlindungan 10 tahun tetap berlaku.

Kata Kunci: *DENZA, First to File, Merek Terkenal, Perlindungan Hukum.*

ABSTRACT**LEGAL PROTECTION FOR FOREIGN WELL-KNOWN TRADEMARK OWNERS IN THE DENZA TRADEMARK DISPUTE
(Study of Decision Number 1/Pdt.Sus-HKI/Merek/2025/PN.Niaga.Jkt.Pst)****By****MUMTAZ RIF'AT ALRUSYDI**

The DENZA trademark dispute between the Chinese automotive giant, BYD Company Limited, against PT Worcas Nusantara Abadi (PT WNA) serves as a significant highlight in the application of the First to File principle in Indonesia. Although BYD claims DENZA as a globally well-known mark registered in over 100 countries since 2012, its registration in Indonesia was hindered by a prior registration by a local entity. This research examines the legal protection for foreign well-known trademark owners under Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the implementation of such protection in the Commercial Court Decision Number 1/Pdt.Sus-HKI/Merek/2025/PN.Niaga.Jkt.Pst, and the subsequent legal consequences arising from the decision.

This research employs a normative legal research method with a descriptive typology. The problem is addressed through a normative juridical approach using literature studies. The data consists of secondary data, including primary legal materials such as statutory regulations and court decisions, as well as secondary and tertiary legal materials. Data processing was conducted through data selection and classification, which were then analyzed qualitatively to draw conclusions.

*The research results and discussion indicate that legal protection for unregistered foreign well-known trademarks in Indonesia is repressive through cancellation lawsuits based on Articles 76 and 77 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications; however, its effectiveness depends heavily on the accuracy of litigation procedures. The legal consequence of Decision Number 1/Pdt.Sus-HKI/Merek/2025/PN.Niaga.Jkt.Pst is that BYD's lawsuit was declared inadmissible (*Niet Ontvankelijke Verklaard*) due to a formal defect of error in persona resulting from the transfer of trademark rights by the Defendant. Consequently, the local registrant's exclusive rights remain upheld, and the 10-year protection period continues to apply.*

Keywords: DENZA, First to File, Legal Protection, Well-Known Marks.