

## **ABSTRAK**

### **ANALISIS KETIDAKKONSISTENAN PUTUSAN SENGKETA MEREK TERKENAL SEJENIS DI INDONESIA**

**Oleh:**

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Merek terkenal merupakan aset intelektual penting dalam perdagangan yang memerlukan perlindungan hukum. Meskipun telah diatur dalam Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis, perlindungan tersebut masih menghadapi kendala, khususnya akibat iktikad tidak baik dan ketidakkonsistenan putusan pengadilan dalam sengketa merek terkenal sejenis. Tujuan penelitian ini adalah untuk menganalisis pengaturan hukum merek terkenal sejenis di Indonesia, menganalisis ketidakkonsistenan putusan sengketa merek terkenal sejenis pasca berlakunya Undang-Undang Nomor 20 Tahun 2016, serta menganalisis tantangan dalam menghadapi ketidakkonsistenan tersebut.

Penelitian ini menggunakan jenis penelitian hukum normatif dengan tipe deskriptif, serta pendekatan perundang-undangan dan pendekatan kasus beberapa sengketa merek terkenal sejenis, seperti Coffeeberry, Chillington, Viega, Hakubaku, Nitron, dan Legend. Data yang digunakan merupakan data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier, dengan teknik pengumpulan data melalui studi pustaka dan analisis dokumen. Data kemudian diolah melalui proses pemeriksaan, rekonstruksi, dan sistematikasi, serta dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa ketidakkonsistenan putusan terjadi dalam tiga dimensi utama, yaitu prosedural, tempotis, dan substantif. Secara prosedural, terdapat perbedaan dalam aspek administratif gugatan yang dikoreksi di tingkat kasasi. Secara tempotis, terdapat perbedaan penafsiran mengenai batas waktu gugatan dengan pengecualian terhadap unsur iktikad tidak baik. Secara substantif, perbedaan muncul dalam penilaian kriteria merek terkenal dan persamaan pada pokoknya. Ketidakkonsistenan ini berdampak pada rendahnya kepastian hukum, sehingga diperlukan standarisasi parameter penilaian merek terkenal serta penguatan sistem administrasi merek.

**Kata Kunci: Merek Terkenal, Ketidakkonsistenan Putusan, Disparitas.**

## **ABSTRACT**

### **ANALYSIS OF INCONSISTENCY IN JUDICIAL DECISIONS ON SIMILAR WELL-KNOWN TRADEMARK DISPUTES IN INDONESIA**

**By:**

**NURREZA ALFARIZ NUGRAHA**

*Well-known trademarks constitute important intellectual assets in trade that require legal protection. Although they have been regulated under Law Number 20 of 2016 concerning Trademarks and Geographical Indications, such protection still faces challenges, particularly due to bad faith and inconsistencies in judicial decisions in disputes over similar well-known trademarks. The purpose of this study is to analyze the legal regulation of similar well-known trademarks in Indonesia, to examine the inconsistency of judicial decisions in such disputes following the enactment of Law Number 20 of 2016, and to analyze the challenges in addressing these inconsistencies.*

*This study employs a normative legal research method with a descriptive approach, as well as statutory and case approaches to several disputes involving similar well-known trademarks, such as Coffeeberry, Chillington, Viega, Hakubaku, Nitron, and Legend. The data used are secondary data consisting of primary, secondary, and tertiary legal materials, collected through literature study and document analysis. The data are then processed through examination, reconstruction, and systematization, and analyzed qualitatively.*

*The results show that inconsistencies in judicial decisions occur in three main dimensions: procedural, temporal, and substantive. Procedurally, there are differences in administrative aspects of claims which are later corrected at the cassation level. Temporally, there are differences in interpreting the limitation period for filing claims, particularly in relation to exceptions based on bad faith. Substantively, inconsistencies arise from differing assessments of the criteria for well-known trademarks and similarity in essential elements. These inconsistencies result in low legal certainty, indicating the need for standardized parameters in determining well-known trademarks and the strengthening of trademark administration systems.*

**Keywords: Well-Known Trademarks, Judicial Inconsistency, Disparity.**