

## ABSTRAK

### UPAYA HUKUM PENYELESAIAN SENGKETA ANTARA MEREK BMW DAN BYD DALAM PERSPEKTIF UNDANG-UNDANG NOMOR 20 TAHUN 2016 TENTANG MEREK DAN INDIKASI GEOGRAFIS

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Sengketa merek antara BMW dan BYD menimbulkan permasalahan hukum mengenai upaya penyelesaian sengketa berdasarkan Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis serta upaya penyelesaiannya dalam Putusan Pengadilan Niaga Jakarta Pusat Nomor 19/Pdt.Sus-HKI/Merek/2025/PN Niaga Jkt.Pst. Permasalahan ini muncul akibat penggunaan tanda “BYD M6” yang diduga memiliki persamaan pada pokoknya dengan merek “M6” milik BMW sebagai merek terkenal, sehingga berpotensi menimbulkan kebingungan konsumen.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus. Bahan hukum yang digunakan meliputi bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif. Metode Pengumpulan Data dengan studi dokumen dan studi kepustakaan.

Hasil Penelitian dan Pembahasan menunjukkan bahwa Undang-Undang Nomor 20 Tahun 2016 telah menyediakan upaya penyelesaian sengketa merek melalui jalur Litigasi dan Non-Litigasi, termasuk gugatan pembatalan dan gugatan pelanggaran merek di Pengadilan Niaga. Namun, dalam perkara *a quo*, gugatan BMW dinyatakan tidak dapat diterima (*niet ontvankelijke verklaard*) karena tidak terpenuhinya syarat formil gugatan. Akibatnya, pengadilan tidak memeriksa pokok perkara terkait ada atau tidaknya persamaan pada pokoknya antara merek BMW M6 dan BYD M6. Putusan tersebut menegaskan pentingnya ketepatan aspek prosedural dalam sengketa merek serta menunjukkan adanya ketegangan antara kepastian hukum prosedural dan perlindungan substantif terhadap merek terkenal.

**Kata Kunci:** *Merek Terkenal, Persamaan Pada Pokoknya, Sengketa Merek*

**ABSTRACT****LEGAL EFFORTS TO RESOLVE THE DISPUTE BETWEEN BMW AND BYD BRANDS IN THE LIGHT OF LAW NO. 20 OF 2016 CONCERNING TRADEMARKS AND GEOGRAPHICAL INDICATIONS**

**By**

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*The trademark dispute between BMW and BYD raises legal issues regarding dispute resolution efforts based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications and its application in the Central Jakarta Commercial Court Decision Number 19/Pdt.Sus-HKI/Merek/2025/PN Niaga Jkt.Pst. This issue arises due to use of the sign “BYD M6”, which is suspected of having substantial similarity with the “M6” mark owned by BMW as a well-known trademark, this potentially causing consumer confusion.*

*This research employs normative legal research using statutory and case approaches. Primary, secondary, and tertiary legal materials were collected through library research and analyzed qualitatively. Data collection methods with document studies and literature studies.*

*The findings indicate that Law Number 20 of 2016 have provided efforts to resolve trademark disputes through litigation and Non-litigation, including cancellation lawsuits and trademark infringement lawsuits in the Commercial Court. However, in the BMW and BYD dispute, the lawsuit filed was declared unacceptable (*niet ontvankelijke verklaard*) because the formal provisions of the lawsuit were not fulfilled. As a result, the subject matter of whether or not there is a similarity in the subject between the BMW M6 and BYD M6 brands was not substantively examined by the court. The decision shows that there is tension between procedural legal certainty. Therefore, this study emphasises the importance of thoroughness in fulfilling procedural aspects as well as the need for a balance between event law and brand protection goals to ensure legal certainty, brand reputation protection, and prevention of consumer confusion in brand law practice in Indonesia.*

**Keywords:** *Famous Trademark, Substantial Similarity, Trademark Dispute*