

## **ABSTRAK**

### **PERBANDINGAN PENGALIHAN HAK ATAS MEREK MELALUI WARIS ANTARA INDONESIA DAN BELANDA**

**Oleh**

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Hak atas merek merupakan salah satu bentuk kekayaan intelektual yang memiliki nilai ekonomi tinggi, sehingga pengaturan mengenai perlindungan dan pengalihannya menjadi sangat penting, termasuk melalui mekanisme pewarisan. Di Indonesia, pengalihan hak atas merek melalui waris diatur dalam Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis, namun dalam praktiknya masih menghadapi berbagai kendala, seperti kompleksitas prosedur dan kurangnya kepastian hukum bagi ahli waris.

Penelitian ini bertujuan untuk menganalisis dan membandingkan mekanisme pengalihan hak atas merek melalui waris serta kepastian hukum dan akibat hukumnya antara Indonesia dan Belanda. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan perbandingan hukum. Data yang digunakan berupa data sekunder yang diperoleh melalui studi kepustakaan dan dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa baik Indonesia maupun Belanda sama-sama menganut sistem pendaftaran konstitutif (*first-to-file*), namun terdapat perbedaan mendasar dalam mekanisme pengalihan melalui waris. Di Indonesia, pengalihan hak atas merek memerlukan pencatatan aktif oleh ahli waris dengan berbagai persyaratan administratif, sehingga menimbulkan potensi ketidakpastian hukum. Sementara itu, di Belanda, pengalihan hak atas merek terjadi secara otomatis berdasarkan hukum waris, dengan dukungan sistem administrasi yang lebih sederhana dan terintegrasi melalui Benelux Office for Intellectual Property (BOIP), sehingga memberikan kepastian hukum yang lebih kuat. Berdasarkan hal tersebut, diperlukan adanya pembaruan regulasi di Indonesia, khususnya dalam menyederhanakan prosedur pengalihan hak atas merek yang dilakukan dengan pewarisan, guna meningkatkan kepastian hukum serta akibat hukum yang lebih optimal sehingga memberikan perlindungan bagi ahli waris.

**Kata Kunci: Hak Atas Merek, Waris, Hak Merek Indonesia, Hak Merek Belanda**

## **ABSTRACT**

### **COMPARISON OF THE TRANSFER OF RIGHTS TO THE BRAND THROUGH INHERITANCE BETWEEN INDONESIA AND THE NETHERLANDS**

**By**

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*Trademark rights are a form of intellectual property with significant economic value; therefore, their protection and transfer, including through inheritance mechanisms, are highly important. In Indonesia, the transfer of trademark rights through inheritance is regulated under Law Number 20 of 2016 concerning Trademarks and Geographical Indications. However, in practice, it still faces various challenges, such as procedural complexity and a lack of legal certainty for heirs.*

*This study aims to analyze and compare the mechanisms of transferring trademark rights through inheritance, as well as the legal certainty and legal consequences in Indonesia and the Netherlands. The research method used is normative legal research with statutory and comparative approaches. The data used consists of secondary data obtained through library research and analyzed qualitatively.*

*The results show that both Indonesia and the Netherlands adopt a constitutive registration system (first-to-file), but there are fundamental differences in the mechanism of transfer through inheritance. In Indonesia, the transfer of trademark rights requires active registration by the heirs along with various administrative requirements, which may lead to legal uncertainty. Meanwhile, in the Netherlands, the transfer of trademark rights occurs automatically under inheritance law, supported by a more integrated and simplified administrative system through the Benelux Office for Intellectual Property (BOIP), thereby providing stronger legal certainty. Based on these findings, regulatory reform in Indonesia is necessary, particularly in simplifying the procedures for transferring trademark rights through inheritance, in order to enhance legal certainty and ensure more optimal legal consequences, thereby providing better protection for heirs.*

**Keywords: Brand Rights, Inheritance, Indonesian Brand Rights, Dutch Brand Rights**