

# Analysis of Legal Protection of Unregistered Famous Marks in Indonesia (Case Study of Supreme Court Decision Number 790 K/Pdt.Sus-HKI/2020)

Christine S.T. Kansil<sup>1,\*</sup> Vanesha Margaretta<sup>1</sup>

<sup>1</sup>Faculty of Law, Universitas Tarumanagara, Jakarta, Indonesia

\* Corresponding author. Email: christinestkansil.fh@gmail.com

## ABSTRACT

Legal protection at TRIPS and international conventions is basically to protect the existence of well-known brands on an international scale against bad faith by other parties who want to join in and take advantage of these well-known brands. The problem faced is how the legal protection of well-known trademarks that have not been registered in Indonesia in the Supreme Court Decision Number 790 K/Pdt.Sus-HKI/2020. The research method used is normative juridical legal research. Research results show that the protection of well-known brands is primarily regulated in the Paris Convention for the Protection of Industrial Property (Paris Convention) and also in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). The provisions to protect well-known marks above apply to all member countries of the Paris Convention and signatories to the TRIPS Agreement (the World Trade Organization's TRIPS Agreement). Each member of the World Trade Organization (WTO) is a member of the World Intellectual Property Organization (WIPO), the Paris Convention and the TRIPS Agreement attached to WIPO. So that every member country of WIPO and WTO, including Indonesia, must submit to the two treaties. Government efforts through Trademark Law No. 20 of 2016 concerning Trademarks and Geographical Indications in providing protection against brands in Indonesia is a positive step from the government circles in this case the Directorate General of KI in uncovering every case of trademark disputes.

**Keywords:** *Legal Protection, Famous Brand, Not Listed in Indonesia.*

## 1. INTRODUCTION

Intellectual Property Rights is included in the study of civil law, because there are aspects of that law which are aspects of private law. What is meant by private law is the law that regulates the relationship between human beings, between one person and another with an emphasis on individual interests. Private law is a law that regulates the relationship between individuals in meeting their needs. Intellectual Property Rights or Intellectual Property Rights exist and have become a global issue, especially among developed industrial countries which have been exporting a lot of IPR-based creative industry products. Mark as KI is basically a sign to identify the origin of goods and services (an indication of origin) from a company with goods and/or services of other companies. Brands are the spearhead of trade in goods and services.

The IPR arrangements protected in Indonesia are:

1. Copyrights (Copyrights) are protected by Law Number 19 of 2002 concerning Copyrights.

2. Industrial Property Rights include:

- a. Patents are protected by Law Number 14 of 2001 concerning Patents.
- b. Trademarks are protected by Law Number 15 of 2001 concerning Trademarks.
- c. Trade Secrets are protected by Law no. 30 of 2000 on Trade Secrets.
- d. Industrial Design (Industrial Design) is protected by Law Number 31 of 2000 concerning Industrial Design
- e. Integrated Circuit Layout is protected by Law Number 32 of 2000 concerning Integrated Circuit Layout Design
- f. Protection of Plant Variety (Plant Variety) is protected by Law Number 29 of 2000 concerning Protection of Plant Varieties.

Indonesia is one of the countries that are members of the WTO (*World Trade Organization*) and Indonesia has also ratified the agreement on TRIP'S (*Trade Relation Aspects*

of *Intellectual Property Right*) which specifically regulates matters relating to IP (Intellectual Property Rights). [1] It is for this reason that Indonesia is highly expected by business actors both on a national and international scale to be able to uphold the principles that have been stated in the TRIPS agreement and in the Paris Convention, London Convention and the Stockholm Convention in order to create competition and healthy free trade in the current era of globalization. [2]

The protection of brands in TRIPS and international conventions is basically to protect the existence of well-known brands on an international scale against bad faith by other parties who want to ride and take advantage of these well-known brands. The *TRIPS Agreement* is not a rule regarding the protection of intellectual property rights specifically. The TRIPS Agreement is an agreement that is part of the WTO Agreement signed by its member countries which requires all its members to make rules regarding intellectual property rights in their respective countries. Every country that has signed the above-mentioned agreement must comply with the agreed international rules. However, the rules contained in these international conventions are only general rules. For the application of the general rules that have been agreed upon, it is left to the full enforcement and regulation of the state that will enforce these rules in its national law.

In 2016 the Indonesian government last men ge passes latest legislation, namely Law No. 20 of 2016 on Marks and Geographical indications which replaced Law No. 15 of 2001 on Marks. After changing the regulation regarding trademarks, the new law can provide certainty of legal protection for well-known marks that are not registered. Considering that there are still many famous brand owners who feel they already have a name in the international world, they do not register their trademarks in Indonesia.

Brand infringement is now common. Brand infringement is called *passing off* (piggybacking on reputation). *Passing off* in Indonesian legal literature is not well known, thus the term is still entirely foreign. *Passing off* is indeed a term known in the *Common Law* legal system. *Passing off* is based on the intention to get a shortcut so that the product or line of business does not need to require efforts to build a reputation and image from scratch, besides that it also has the potential to deceive consumers and cause confusion. public in the community about the origin of a product. [3]

There are 3 forms of brand infringement that need to be known, namely: [4]

1. *Trademark Piracy* (brand piracy)
2. *Counterfeiting* (forgery)
3. *Imitation of labels and packaging* (imitation of labels and packaging of a product)

Other violations are using the same sign as a whole with a geographical indication belonging to another party, using a sign that is essentially the same as a geographical indication belonging to another party, the inclusion of the actual origin on the goods resulting from the infringement or the inclusion of words indicating the goods are

imitations of the registered goods and so on other. The brand has dominant characteristics so that it must be able to distinguish the brand from other brands.

With regard to the foregoing, the author is interested in studying in depth the trademark dispute, which occurs in the Supreme Court Decision Number 790K/Pdt.Sus-HKI/2020.

Where Hakubaku Co Ltd, having its address at Masuho-cho, Minamikoma-gun Yamanashi-ken, Japan, sued Hakubaku, which was made by PT Tona Morawa Prima, whose factory is in Deli Serdang, Medan.

In his lawsuit, Hakubaku stated that the local Hakubaku brand had a similarity in the logo so it was considered not to have good faith. This is because the Hakubaku brand has been registered in Japan and has been in production since 1941. In addition, Hakubaku has also expanded its business to form a company in Australia. Hakubaku has also registered its trademark in the United States, Thailand, Singapore to Malaysia. Hakubaku was surprised to learn that there is a similar brand in Indonesia that is also used for ramen. Hakubaku did not accept it and filed a lawsuit with the Central Jakarta Commercial Court.

On November 29, 2019, the lawsuit of Hakubaku Co Ltd was through Number: 35/Pdt.Sus-Merek/2019/PN.Niaga.Jkt.Pst.

The Central Jakarta Commercial Court stated that it did not accept Hakubaku Co Ltd's lawsuit. The Japanese company did not accept and appealed. The Supreme Court in its decision Number: 790K/Pdt.Sus-HKI/2020 rejected the appeal from Cassation Petitioner Hakubaku Co. Ltd. that. The Supreme Court's refusal was based on the subject and object of case Number 35/Pdt.Sus-Merek/2019/PN.Niaga.Jkt.Pst., *a quo* is the same as the subject and object of case Number 08/Pdt.Sus-Merek/2018/PN.Niaga.Jkt.Pst., which is still in the cassation process Number 16 K/Pdt.Sus-HKI/2019/PN.Niaga.Jkt.Pst., in conjunction Number 08/Pdt.Sus-Merek/2018/PN.Niaga .Jkt.Pst., which is not legally binding when the *a quo* case is registered at the Central Jakarta District Court, so to avoid the possibility of conflicting decisions, the filing of a lawsuit in the *a quo* case is premature.

The author's interest in raising this case is based on the provisions regarding the protection of well-known marks, which is a form of agreement originating from Indonesia's participation in several international conventions as stated in Article 6 bis of the Paris Convention which mandates the rejection of applications for trademarks that are the same or similar to well-known marks, Article 16 Paragraph (2) TRIPs which use public knowledge as an indicator to become a well-known brand. The author is of the opinion that Hakubaku Co Ltd, having its address at Masuho-cho, Minamikoma-gun Yamanashi-ken, Japan, is the owner of the well-known Hakubaku brand. Where the provisions to protect the famous Hakubaku mark above apply to all member countries of the *Paris Convention* and signatories to the *TRIPS Agreement* (the *World Trade Organization's TRIPS Agreement*). Every member of the *World Trade Organization* (WTO) is a member of the *World Intellectual Property Organization* (WIPO). On

the other hand, with the enactment of Law Number 20 of 2016 concerning Marks and Geographical Indications, the protection of foreign well-known marks that are not registered in Indonesia must be protected.

It should be understood that the regulation regarding the criteria for well-known marks in Indonesia has not changed after the issuance of Law no. 20 Year 2016 on Marks and Geographical Indications, in which the criteria well-known brand in the elucidation of Article 6 Paragraph (1) letter b merely changed places be listed in the Explanation of Article 21 of Law No. 20 of 2016.

Cases of registered trademark disputes should serve as a reflection for entrepreneurs and as a warning to business actors to be careful with trademark registration. On the other hand, the occurrence of brand hijacking by other parties usually occurs because human nature is indeed imitating, including in creating brands. Another reason is that creating your own brand is expensive and the registration procedure is quite complicated. Therefore a mark is classified as an intellectual work where in Law Number 20 of 2016 concerning Marks and Geographical Indications the person or legal entity that can obtain rights to the mark is a person or legal entity. [5]

## 2. METHOD

The type of research used is normative legal research, namely research that provides a systematic explanation of the rules governing a certain legal category, analyzes the relationship between regulations, explains areas of difficulty and may predict future development). [6]

Types of legal materials can be divided into 3, namely primary legal materials, secondary legal materials, and tertiary legal materials. The data collection technique that the author uses in this study is a literature review or (*library research*). Collection of legal materials from secondary legal materials derived from articles, journals, and interviews with several related sources.

The approaches used by the author from the several approaches above are the statutory *approach* and the *case approach*.

This study uses data analysis techniques with deductive logic, deductive logic or processing legal materials in a deductive way, namely explaining a general matter and then drawing it into a more specific conclusion. The analysis is carried out by examining cases related to the issues at hand which have become court decisions that have permanent legal force, namely Supreme Court Decision Number 790K/Pdt.Sus-HKI/2020 and then take an inventory and identify the laws and regulations then an analysis of the related cases and laws and regulations is carried out by interpreting the law, and then drawing conclusions from the results of the analysis.

## 3. DISCUSSION

As regulated in Law Number 20 of 2016 concerning Marks and Geographical Indications, the protection of trademark rights requires registration. Article 1 number 5 of the UUMIG states that:

"Rights to Marks are exclusive rights granted by the state to owners of registered Marks for a certain period of time by using the Mark themselves or giving permission to other parties to use them."

Owners of registered marks have exclusive rights with respect to their marks. This gives him the right to use the mark and prevents unauthorized third parties from using the mark, or confusing similar marks. Brands also prevent consumers and the public from being confused about a product.

Registered marks are protected by law for a period of 10 years from the date of receipt. The period of protection can be extended for the same period. Only brands that are registered are entitled to legal protection from the state. What is meant by "registered" is after the application goes through a formality examination process, an announcement process, and a substantive examination process as well as obtaining approval from the minister to issue a certificate. A lawsuit against alleged infringement that occurred before the birth of the trademark protection cannot be filed.

In the case of trademark registration based on bad faith as stated in the Trademark Law 20/2016, at least there are several elements that must be fulfilled so that the action can be categorized as an act of trademark registration in bad faith.

This classification does not see whether the brand is well-known or not as long as the action meets the elements as an act of bad faith. This is because there is an intention to use the mark for the personal benefit of the trademark registrar. This act will also harm the party who uses the mark first if the registrant who already owns the mark will prohibit the first user of the mark because it is the registrant who is protected based on constitutive principles.

In relation to the protection of unregistered marks, the Lanham Act provides that the trademark user has the right to file a civil action or civil suit if:

"Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term name, symbol, or device, or any combination thereof, or any false designation of origin, which, ( a). Is likely to cause confusion, or to cause mistake, or to deceive affiliation, connection, or association of such person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person ( B ) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or

another person's goods, services, or commercial activities, shall be liable in civil action by any person who believes that he or she is or likely to be damaged by such an act".

The United States is one of the countries that implements legal protection of trademarks that are not based on the principle of registration (first to file) but the protection provided is based on the intent and practice of use, hereby, the marks used are given legal protection. However, here registration is still needed in order to declare that the mark has been used.

The act of registering a mark used by other parties who have not been registered first is a form of trademark registration with bad intentions. This relates to the meaning of bad faith itself, both in the trademark law and in the concepts in civil law, namely all actions that have the intention of imitating, plagiarizing or following other parties' trademarks for the sake of their business, creating conditions of unfair business competition, healthy, deceiving, or misleading consumers, or relating to someone's honesty in carrying out legal actions.

There is an alternative model of legal protection for trademarks which, according to the author, can provide protection for trademarks that have not been registered. Namely a legal protection model that combines the principle of protection of the first registrant (*first file*) and the principle of the first user (*first to use*). Where the party using the trademark has priority to protect his rights to the mark, as long as he can prove that he is the first user and the first registrant has known of its existence, besides that the first registrant also has priority in protecting his rights to the mark as long as he can prove that there is no bad faith from his side towards the registration of the mark. .

In this perception, the provisions related to the protection of well-known marks are mainly regulated in the Paris Convention for the Protection of Industrial Property ("Paris Convention") and also in the Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS Agreement"). In Article 6bis paragraph (1) Paris Convention stipulates that:

"The countries of the Union undertake, ex officio if Reviews their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration, and to prohibit the use, of a trademark which constitutes a reproduction, an imitation, or a translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well known in that country as being already the mark of a person entitled to the benefits of this Convention and used for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith."

Article 16 paragraph (2) of the *TRIPS Agreement*, which then complements Article 6bis of the *Paris Convention* above stipulates as follows: "*In determining whether a trademark is well-known, Members shall take account of the knowledge of the trademark in the relevant sector of the public, including knowledge in the Member concerned which has been obtained as a result of the promotion of the trademark.*"

The provisions to protect well-known marks above apply to all member countries of the *Paris Convention* and signatories of the *TRIPS Agreement* (*the World Trade Organization's TRIPS Agreement*), including Indonesia which also ratified the two *treaties* respectively through Presidential Decree No. 24/1979 on Ratification of the Paris Convention. for the Protection of Industrial Property and the Convention Establishing the World Intellectual Property Organization as amended by Presidential Decree Number 15 of 1997 concerning Amendment to Presidential Decree Number 24 of 1979 concerning Ratification of the Paris Convention for the Protection of Industrial Property and the Convention Establishing the World Intellectual Property Organization and Law Number 7 of 1994 concerning Ratification of the Agreement Establishing the World Trade Organization.

In general, countries with a *civil law* legal system, including Indonesia, adhere to the *First to file* system in granting trademark rights. Under the *First to file* system, the owner of the mark, including the well-known mark, must register the mark with the Directorate General of Intellectual Property ("DGT") to obtain exclusive rights to the mark and legal protection. Exclusive rights cannot be obtained by the owner of the mark only by showing evidence that he is the first user of the mark in Indonesia. *The first-to-file system* means that the party who first applies for registration is given priority to get the mark registration and is recognized as the rightful owner of the mark.

This principle is explicitly regulated in Article 3 of Law Number 20 of 2016 concerning Marks and Geographical Indications (UU MIG) which stipulates that the right to a mark is obtained after the mark is registered. What is meant by "registered" is after the application has gone through a formality examination process, an announcement process, and a substantive examination process as well as obtaining approval from the Minister of Law and Human Rights ("Minister") to issue a certificate.

As explained in the article Protection of Famous Marks Under Indonesian Law, that the *World Intellectual Property Organizations (WIPO)* provides limitations regarding well-known marks as agreed in the *Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks* that these factors can be used to determine whether the brand is in the well-known category, namely:

1. Level of knowledge or brand recognition in sectors relevant to society;

2. Duration, extent and geographic area of use of the marks;
3. Duration, extent and geographic area of brand promotion;
4. Duration and geographic area of any registration or application for registration of a mark;
5. Record of successful fulfillment of rights to the mark;
6. Brand value;

For owners of well-known marks but unregistered marks who can show evidence of the brand's recognizability, the MIG Law provides a mechanism for the cancellation of registered trademarks through the Commercial Court, if their famous trademark has already been registered or an application for registration in Indonesia has been submitted by other parties with bad intentions. The lawsuit can be filed after submitting an application to the Minister, as regulated in Article 76 paragraphs (2) and (3) jo . Elucidation of Article 76 paragraph (2) of the MIG Law,

It should be noted that prior to the enactment of Law Number 20 of 2016 concerning Marks and Geographical Indications concerning Mark Rights, it was regulated in Law Number 15 of 2001. However, the two laws and regulations did not contain provisions, especially criminal rules against well-known marks. which is not registered. Whereas in the Paris convention it is mandated to provide protection for well-known trademarks, both registered and unregistered.

One of the most important principles of the Paris Convention is the principle of absolute equality of treatment between foreigners and nationals. This principle is formulated in Article 2. The article contains the principle of "National Treatment" or the principle of assimilation, namely that a citizen who is a citizen of a member country of the Union will receive the same recognition and rights as a citizen of the country whose trademark is registered. [7]

The Plaintiff is a company that was first established in 1941, domiciled in Masuho-cho, Minamikoma-gun, Yamanshi, Japan, until 1992 the Plaintiff used the name " *KABUSHIKI KAISHA HAKUBAKU* " which in English is called "HAKUBAKU CO. LTD." as a distinguishing feature and as the identity of the Plaintiff which is a company that carries out its main business to process raw materials for barley or wheat and produce noodles from barley or wheat, based on the Articles of Association of HAKUBAKU CO. LTD.

In addition, the element of the word "HAKUBAKU" is used by the Plaintiff besides the element of the word "HAKUBAKU" is used by the Plaintiff as a distinguishing feature or a Trademark and which becomes the identity for its products, which have been registered in Japan since 2006, have been registered in several countries. Country, has been registered as an international Trademark since 2013 and has been recognized as a well-known Trademark in Japan since 2016;

The Plaintiff never gave consent to the Defendant to use the word "HAKUBAKU" to be registered as a Trademark

in Indonesia by the Defendant which in fact is the name of the Plaintiff's company, HAKUBAKU CO. LTD.;

Based on the above facts, the Trademark in the name of the Defendant resembles the name of the Plaintiff's company, HAKUBAKU CO. LTD., which has been registered as a Trademark for the Plaintiff's products and the Defendant has used the word element unlawfully and in bad faith to imitate, plagiarize and follow the Plaintiff's Trademark where the Defendant uses it without any approval from the Plaintiff, so that the registration of the Mark Trade on behalf of the Defendant has complied with the provisions of Article 6 paragraph (3) letter a of Law no. 15 of 2001 concerning Marks as amended in Article 21 paragraph (2) letter a of Law no. 20 of 2016 concerning Brands and Geographical Indications.

In this HAKUBAKU brand case, the Plaintiff HAKUBAKU CO.LTD lost at all levels of the court, both at the Commercial Court Level to the Supreme Court. At the trial of the Assembly until this decision was pronounced, there was no evidence that the Cassation Case Number: 16 K/Pdt.Sus-HKI/2019/PN.Niaga.Jkt.Pst. jo Number 08/Pdt.Sus-Merek/2018/PN.Niaga.Jkt.Pst.

The decision has been decided by the Supreme Court and has permanent legal force, so to avoid conflicting decisions in the two cases, to decide on the subject matter *a quo*, one must wait for the Decision on Case 08/Pdt.Sus-Merek/2018/PN.Niaga.Jkt.Pst that the Supreme Court's Decision Number 790 K/Pdt.Sus-HKI/2020 has definite legal force (*inkracht*), therefore the Assembly is of the opinion that the filing of a lawsuit in the *a quo* case is PREMATURE.

Considering, whereas therefore the exceptions of the Defendants and Co-Defendants are grounded according to law and therefore the exceptions can be granted; Considering, whereas since the exceptions of the Defendant and Co-Defendant were granted and the filing of the lawsuit was declared premature, then the principal of the case does not need to be considered again and the Plaintiff's claim must be declared inadmissible;

Because the Plaintiff's claim is declared unacceptable, the Plaintiff is on the losing side, and the Plaintiff must be punished to pay court fees, the amount of which will be stated in the verdict below. Considering, whereas against the cassation memorandum, the Cassation Respondent has filed a counter cassation memorandum on March 13, 2020 which essentially rejects the cassation request from the Cassation Petitioner. Considering, whereas for these reasons, the Supreme Court is of the opinion that:

This reason cannot be justified, because after carefully examining the memorandum of cassation dated December 18, 2019 and the counter memorandum of March 13, 2020, it is related to *JudexFacti's* considerations in this case the Commercial Court at the Central Jakarta District Court did not *misapply the law* with the following considerations:

*JudexFacti's* decision is correct and correct *JudexFacti* is not wrong in applying the law) because *JudexFacti* has implemented the procedural law correctly in deciding this case and the *JudexFacti* decision is not against the law

and/or laws; That because the subject and object of case Number 35/Pdt.Sus-Merek/2019/PN.Niaga.Jkt.Pst, the *a quo* is the same as the subject and object of case Number 08/Pdt.Sus-Merek/2018/PN. Niaga.Jkt.Pst., which is still in the cassation process Number 16 K/Pdt.Sus-HKI/2019/PN.Niaga.Jkt.Pst., in conjunction Number 08/Pdt.Sus-Merek/2018/PN.Niaga.Jkt. Pst., which is not legally binding when the *a quo* case is registered at the Central Jakarta District Court, so to avoid the possibility of conflicting decisions, the filing of a lawsuit in the *a quo* case is premature; That the reason for the cassation cannot be justified because it is an assessment of the facts and the results of evidence at the trial which are not subject to the examination of the cassation;

Based on the considerations above, it turns out that the decision of the Commercial Court at the Central Jakarta District Court in this case does not conflict with the law and/or legislation, so that the appeal filed by Cassation Petitioner HAKUBAKU Co. Ltd., it must be rejected. The decision is in accordance with the judge's belief in deciding a case, but the thing that needs to be underlined is that a decision must provide a sense of justice, benefit and legal certainty. The Hakubaku Co Ltd brand must be protected from other parties who want to enhance the fame of the Hakubacu Co Ltd brand.

#### 4. CONCLUSION

Based on the descriptions of the previous chapters, it can be concluded that the legal protection of well-known marks that have not been registered in Indonesia in the Supreme Court Decision Number 790K/Pdt.Sus-HKI/2020 is still protected by law so that people should not arbitrarily register foreign well-known marks without permission. If the mark is registered in bad faith, the owner of the mark can sue indefinitely. This arrangement is expected to protect every brand in Indonesia and the world as regulated in the *Paris Convention for the Protection of Industrial Property* (“*Paris Convention*”) and also in the *Agreement on Trade-Related Aspects of Intellectual Property Rights* (“*TRIPS Agreement*”). The provisions to protect well-known marks above apply to all member countries of the Paris Convention and signatories to the TRIPS Agreement (*the World Trade Organization's TRIPS Agreement*), so that every WIPO and WTO member country, including Indonesia, must comply with both treaties. Indonesia ratified the Paris TRIPS Agreement through Presidential Decree Number 24 of 1979 concerning Ratification of the *Paris Convention for the Protection of Industrial Property and the Convention Establishing the World Intellectual Property Organization*.

Hope for the government, in this case the Directorate General of Intellectual Property, must be more observant in looking at disputes over trademarks that have not been registered in Indonesia, and the vulnerable aspects of trademark piracy due to the old trademark law not being

able to answer the needs of every producer for the protection of the mark of a product. production, especially well-known brands that have not been registered in Indonesia. The government's efforts through the Trademark Law no. 20 of 2016 concerning Trademarks and Geographical Indications in providing protection for trademarks in Indonesia is a positive step in addressing every case of trademark dispute. However, this effort will only be in vain if it is not accompanied by concrete actions in the field in terms of implementing the law.

#### REFERENCES

- [1] Achmad Zen Umar Purba, *Hak Kekayaan Intelektual Pasca TRIPs*, Cet. Ke-4, (Bandung: Alumni, 2017), 1.
- [2] Mutia Septerina dan Salamiah, “Upaya Perlindungan Hukum Terhadap Pelanggaran Merek Terkenal Yang Tidak Terdaftar di Indonesia Berdasarkan Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis”, *Jurnal Al'Adl*, Volume XII Nomor 1, Januari 2020, 91
- [3] Kholis Roisah, *Konsep Hukum Kekayaan Intelektual*, (Malang: Setara Press, 2016), 10.
- [4] Mohammad Amar Abdillah, “Perlindungan Hukum Pemilik Merek Tidak Terdaftar Atas Tindakan Pendaftaran Mereknya Oleh Pihak Lain Ditinjau Dari Asas Itikad Baik”, *Jurnal Jurist-Diction*, Vol. 2 No. 4, Juli 2019, 1350.
- [5] Nugraha Abdul Kadir, “Perlindungan Hukum Merek Asing Terkenal Terhadap Pelanggaran Merek Berdasarkan Undang-Undang No 15 Tahun 2001 tentang Merek”, *Lex Jurnalica* Volume 16 Nomor 1, April 2019, 50.
- [6] Peter Mahmud Marzuki, *Penelitian Hukum*. Edisi Revisi, (Jakarta: Kencana Prenada Media Group, 2016), 32.
- [7] Muhammad Djumahana dan R Djubaedillah, *Hak Milik Intelektual sejarah, teori dan praktiknya di Indonesia*, (Bandung: PT Citra Aditya Bakti, 2014), 233.