

ABSTRAK

Judul: Penyelesaian Sengketa Kepemilikan Hak Merek Terdaftar Berdasarkan Penerapan Sistem Pendaftar Pertama. Rumusan Masalah yang dikaji oleh Penulis adalah: Mengapa Pengadilan Niaga menolak gugatan pembatalan pendaftaran Merek Coco Arra sedangkan Hakim Mahkamah Agung mengabulkan gugatan pembatalan pendaftaran merek Coco Arra? Tujuan yang ingin Penulis kaji adalah Untuk mengetahui alasan Pengadilan Niaga menolak gugatan pembatalan pendaftaran merek Coco Arra dan alasan Hakim Mahkamah Agung mengabulkan gugatan pembatalan pendaftaran merek Coco Arra. Jenis penelitian adalah penelitian normative yaitu penelitian yang dilakukan dengan cara meneliti bahan-bahan pustaka. Sifat penelitian adalah sifat deskriptif yaitu penulis menjelaskan, menggambarkan dan menguraikan alasan Hakim Pengadilan Niaga menolak gugatan penggugat seluruhnya sedangkan Hakim Mahkamah Agung mengabulkan gugatan penggugat. Variabel bebas dalam penelitian ini adalah alasan Hakim Pengadilan Niaga menyatakan gugatan ditolak sedangkan Hakim Mahkamah Agung mengabulkan gugatan penggugat. Variabel terikat dalam penelitian ini adalah Putusan Hakim tentang penyelesaian sengketa pembatalan pendaftaran merek.

Berdasarkan hasil penelitian dan pembahasan yang telah dikemukakan maka penulis menyimpulkan sebagai berikut: Alasan Pengadilan Niaga menolak gugatan pembatalan pendaftaran Merek Coco Arra karena pertimbangan Majelis Hakim bahwa Penggugat tidak dapat membuktikan dalil gugatannya, sedangkan alasan Hakim Mahkamah Agung mengabulkan gugatan pembatalan pendaftaran Merek Coco Arra karena alasan pertimbangan Judex Facti telah salah menerapkan hukum. Saran dari penulis yaitu 1. Bagi masyarakat agar dalam melakukan pendaftaran Merek harus melakukan pengecekan terlebih dahulu melalui situs resmi Direktorat Jenderal Kekayaan Intelektual(DJKI) untuk menghindari adanya persamaan pada pokoknya dengan merek lain. 2. Bagi Direktorat Jenderal Kekayaan Intelektual(DJKI) perlu meningkatkan kewaspadaan dan ketelitian dalam memeriksa permohonan pendaftaran merek, khususnya yang memiliki persamaan pada pokoknya dengan merek terdaftar.

Kata Kunci: Sengketa Merek, Putusan Hakim

ABSTRACT

Research: Dispute Resolution of Owner Trade mark Rights Based on the First Registration System. The Problem Formulation Research by the Author is: Why did the Commercial Court reject the lawsuit for cancellation of the Coco Arra Trade mark registration while the Supreme Court Judge granted the lawsuit cancellation of the Coco Arra Trade mark registration? The purpose of the Author's study is to find out the reasons why the Commercial Court rejected the lawsuit for cancellation of the Coco Arra Trademark registration and the reasons the Supreme Court Judge granted the lawsuit for cancellation of the Coco Arra Trademark registration. The nature of the research is descriptive, namely the author explains, describes and describes the reasons why the Commercial Court Judge rejected the plaintiff's lawsuit in its entirety while the Supreme Court Judge granted the plaintiff's lawsuit. The independent variable in this study is the reason the Commercial Court Judge declared the lawsuit rejected while the Supreme Court Judge granted the plaintiff's lawsuit. The dependent variable in this study is the Judge's Decision regarding the resolution of the trademark registration cancellation dispute.

Based on the research results and discussions presented, the author concludes as follows: The Commercial Court's reason for rejecting the lawsuit for cancellation of the Coco Arra Trademark registration was due to the Panel of Judges' consideration that the Plaintiff was unable or unsuccessful in proving the arguments of his lawsuit, while the Supreme Court Judge's reason for granting the lawsuit for cancellation of the Trademark registration was due to the *Judex Facti* consideration, that it had incorrectly applied the law. The author's suggestions are: 1. The public should first check the official website of the Directorate General of Intellectual Property (DJKI) before registering a trademark to avoid any substantial similarities with other trademarks. 2. The Directorate General of Intellectual Property (DJKI) needs to increase vigilance and thoroughness in examining trademark registration applications, especially those that are substantially similar to registered trademarks.

Keywords: Trademark Dispute, Judge's Decision