

## ABSTRAK

Perkara gugatan ganti rugi atas dugaan pelanggaran Hak Cipta yang diajukan oleh Kasim Tarigan selaku pencipta yang sah atas Hak Cipta “Hologramisasi atau Kinegramisasi Pita Cukai Tembakau/Rokok” menggugat empat Tergugat, yaitu Tergugat I PT. Pura Nusapersada, Tergugat II PT. Pura Barutama, Tergugat III Direktorat Jendral Hak Kekayaan Intelektual dan Tergugat IV Feybe Fince Goni. Penelitian ini menggunakan metode pendekatan Yuridis-Normatif. Spesifikasi penelitian yang digunakan adalah deskriptif analitis yaitu mendeskripsikan hasil riset dengan data yang selengkap dan sedetail mungkin. Jenis dan sumber data yang digunakan dalam penelitian menggunakan data primer yang diperoleh dari wawancara dengan narasumber selaku Hakim Pengadilan Niaga Semarang yang mengadili dan memutus sengketa tersebut. Data sekunder terdiri dari peraturan perundang-undangan, jurnal-jurnal hukum, dan buku literatur yang berkaitan dengan masalah yang diteliti. Sedangkan data tersier berupa artikel, kamus hukum, serta ensiklopedia.

Berdasarkan hasil penelitian, disimpulkan bahwa gugatan Penggugat ditolak karena gugatan kabur dan saling bertentangan, mencampur adukkan antara Hak Cipta dengan Paten dan Perbuatan Melawan Hukum. Berdasarkan bukti-bukti para tergugat, bahwa para tergugat tidak dapat digugat karena mereka tidak bersalah melanggar Hak Cipta Penggugat. Putusan majelis hakim sudah memenuhi unsur-unsur keadilan, kepastian dan kemanfaatan.

**Kata Kunci :** Hak Cipta, Paten, Perbuatan Melawan Hukum, Hologramisasi, dan Kinegramisasi.

## **ABSTRACT**

*The lawsuit for compensation for alleged copyright infringement filed by Kasim Tarigan as the legitimate creator of the Copyright "Hologramization or Kinegramization of Tobacco/Cigarette Excise Bands" sued four Defendants, namely Defendant I PT. Pura Nusapersada, Defendant II PT. Pura Barutama, Defendant III Directorate General of Intellectual Property Rights and Defendant IV Feybe Fince Goni. This research uses a Juridical-Normative approach. The research specification used is analytical descriptive, namely describing research results with data that is as complete and as detailed as possible. The types and sources of data used in this study used primary data obtained from interviews with informants, a Semarang Commercial Court Judge who tried and decided on the dispute. Secondary data consists of laws and regulations, legal journals, and literature books related to the problem under study. Meanwhile, tertiary data consisted of articles, legal dictionaries, and encyclopedias.*

*Based on the results of the research, it was concluded that the Plaintiff's lawsuit was rejected because the lawsuits were vague and contradictory, confusing Copyrights with Patents and Unlawful Acts. Based on the evidence of the defendants, that the defendants cannot be sued because they are not guilty of violating the Plaintiff's Copyright. The decision of the panel of judges has fulfilled the elements of justice, certainty and expediency.*

**Keywords** : *Copyright, Patent, Unlawful Acts, Hologramization, and Kinegramization.*