

ABSTRAK

Merek merupakan bagian dari wujud karya intelektual. Perlindungan hukum terkait merek sudah dijaminan oleh UU MIG. Hak kepemilikan merek berdasarkan peraturan perundang-undangan diperoleh melalui sistem pendaftaran yang bersifat konstitutif dengan prinsip *First to File*. Yang wajib didaftarkan pada Direktorat Jenderal Kekayaan Intelektual (DJKI) untuk memiliki bukti kepemilikan merek.

Penelitian ini menggunakan metode yuridis normatif yang mengacu pada kaidah-kaidah atau norma-norma dan aturan-aturan yang berhubungan dengan hukum dengan cara studi kepustakaan (*library research*). Penelitian ini digunakan untuk mengkaji kepustakaan yang berkaitan dengan Penerapan prinsip *first to file* dalam penyelesaian kasus sengketa merek “M&G”

Hasil dari penelitian ini prinsip *first to file* memberikan perlindungan hukum dan hak eksklusif kepada pihak yang pertama kali mendaftarkan merek dagangnya. Dan Direktorat Jenderal Kekayaan Intelektual (DJKI) memiliki peran penting dalam penerapan prinsip *first to file*, yang bertanggung jawab melaksanakan pengaturan hukum merek sesuai dengan prinsip *first to file*.

Penulis menyarankan perlu adanya perhatian, seperti edukasi atau sosialisasi masyarakat dan peningkatan pengawasan dalam proses pendaftaran merek. Selain itu, DJKI juga lebih meningkatkan ketelitian agar memperkuat sistem pemeriksaan pendaftaran merek, untuk mencegah pelanggaran prinsip *first to file*.

Kata Kunci : Prinsip *First to File*, Pembatalan Merek, Hak Eksklusif

ABSTRACT

Trademark is part of the form of intellectual work. Legal protection related to the trademark has been guaranteed by the MIG Act. Trademark ownership rights under the legislation obtained through a registration system that is constitutive with the principle of First to File. Which must be registered at the Directorate General of Intellectual Property (DJKI) to have proof of ownership of the trademark. This research uses normative juridical methods that refer to the rules or norms and rules related to the law by means of library research. This research is used to examine the literature relating to the application of the first to file principle in the settlement of the "M&G" trademark dispute case.

The results of this study the first to file principle provides legal protection and exclusive rights to the party who first registered his trademark. And the Directorate General of Intellectual Property (DJKI) has an important role in the application of the first to file principle, which is responsible for implementing the legal regulation of trademarks in accordance with the first to file principle.

The author suggests that there needs to be attention, such as education or socialization of the community and increased supervision in the trademark registration process. In addition, the DJKI is also more rigorous in order to strengthen the trademark registration examination system, to prevent violations of the first to file principle.

Keywords: *First to File Principle, Trademark Cancellation, Exclusive Rights*