

ABSTRAK

Akresi perjanjian *International the Protocol Relating to Madrid Agreement Concerning the International Registration Marks* atau Protokol Madrid oleh Pemerintah Republik Indonesia melalui Peraturan Presiden Nomor 92 Tahun 2017 tentang Pengesahan *Protocol Relating to Madrid Agreement Concerning the International Registration Marks, 1989*, merupakan upaya pemerintah untuk menyederhanakan pendaftaran merek internasional. Prinsip Ketergantungan (*central-attack*) yang diimplementasikan dalam Protokol Madrid dimaksudkan terhadap pemohon dengan aplikasi dasar (*basic on application*) pada negara asal (*office of origin*) ditolak sehingga pendaftaran internasional harus gugur.

Penulisan hukum ini menggunakan metode pendekatan yuridis normatif. Data yang digunakan adalah data sekunder yang meliputi peraturan perundang-undangan dan peraturan hukum terkait. Penelitian ini bertujuan untuk memaparkan secara rinci, jelas dan menyeluruh tentang pembatalan merek internasional menggunakan prinsip *central-attack* pada permohonan pendaftaran merek melalui Protokol Madrid.

Penulisan hukum ini mengangkat permasalahan tentang suatu pengaturan dan pelaksanaan terhadap pendaftaran Merek secara Internasional berdasarkan Protokol Madrid di Indonesia serta status Merek yang telah mendapatkan hak (perlindungan hukum) di Indonesia apabila mengalami *central-attack* di negara asal (*office of origin*).

Hasil penelitian dalam penulisan hukum ini membuktikan bahwa pengaturan merek di Indonesia belum secara tegas mengakomodir pembatalan maupun penghapusan pendaftaran internasional akibat *central-attack* dan terhadap status merek internasional di Indonesia yang dimohonkan melalui Protokol Madrid dengan status pendaftaran internasional *inactive* masih mendapat status terdaftar oleh Direktorat Jenderal Kekayaan Intelektual (DJKI).

Kata Kunci: Protokol Madrid; Central-Attack; Merek; Registrasi Internasional.

ABSTRACT

The accession of the International the Protocol Relating to Madrid Agreement Concerning the International Registration Marks or The Madrid Protocol by the Government of the Republic of Indonesia through Presidential Regulation No. 92 of 2017 on Ratification of Protocol Relating to Madrid Agreement Concerning the International Registration Marks, 1989, is an effort by the government to simplify international marks registration. The central-attack principle implemented in the Madrid Protocol is intended for applicants with basic applications in the country of origin rejected so that international registration must be dropped.

This legal writing uses normative juridical approach methods. The data used is secondary data that includes laws and regulations related. The research aims to lay out in detail, clearly and thoroughly about international marks cancellation using the central-attack principle on marks registration applications through the Madrid Protocol.

This legal writing raises the issue of an arrangement and implementation of international registration of marks under the Madrid Protocol in Indonesia and the status of marks that has been granted rights (legal protection) in Indonesia if experiences a central-attack in the country of origin (office of origin).

The results of research in writing this law prove that the regulation of marks in Indonesia has not expressly accommodated the cancellation or elimination of international registrations due to central-attack and against the status of international marks in Indonesia requested through the Madrid Protocol with inactive international registration status is still getting registered status by Direktorat Jenderal Kekayaan Intelektual (DJKI).

Keywords: Madrid Protocol; Central-Attack; Marks; International Registration.