ABSTRAK

Penelitian ini bertujuan mengkaji secara komprehensif kedudukan hukum merek tiruan dalam sistem hukum merek di Indonesia serta menelaah dampaknya terhadap keberlanjutan dan reputasi merek asli. Analisis difokuskan pada Putusan Mahkamah Agung Nomor 590 K/Pdt.Sus/2012, yang membatalkan pendaftaran merek BIORF atas dasar memiliki persamaan pokok dengan merek terkenal BIORE, baik dari aspek visual maupun fonetik. Keputusan ini menegaskan bahwa penggunaan merek tiruan yang dapat mengandung itikad tidak baik (*bad faith*) dan berpotensi menimbulkan kebingungan konsumen harus ditolak dan dibatalkan, sebagaimana diatur dalam UU No. 15 Tahun 2001 tentang Merek. Penelitian ini menggunakan metode penelitian yuridis normatif, melalui metode pengumpulan data kepustakaan terhadap peraturan perundang-undangan, putusan pengadilan, serta literatur hukum terkait. Metode ini memungkinkan analisis mendalam atas pertimbangan hukum MA, termasuk kriteria merek terkenal, prinsip persamaan pokok, serta itikad pelaku, yang semua itu menunjukkan peran penting putusan MA dalam memperkuat prinsip-proteksi hukum terhadap merek asli di Indonesia.Hasil kajian menunjukkan bahwa Putusan MA No. 590/K/Pdt.Sus/2012 berfungsi sebagai preseden penting dalam menetapkan batasan hukum terhadap praktik menirukan merek terkenal. Putusan tersebut menegaskan bahwa sistem hukum merek Indonesia harus menjunjung kejujuran pasar, memastikan perlindungan konsumen dari informasi yang menyesatkan, serta menjaga eksistensi dan reputasi merek asli atas dasar prinsip keadilan dan keterbukaan.

Kata Kunci: Kedudukan Hukum; Merek Tiruan; Putusan Mahkamah Agung Nomor 590 K/Pdt.Sus/2012.

ABSTRACT

This research aims to comprehensively examine the legal status of counterfeit trademarks within Indonesia's trademark law system and to analyze its impact on the sustainability and reputation of the original brand. The analysis focuses on Supreme Court Decision Number 590 K/Pdt.Sus/2012, which annulled the registration of the BIORF trademark on the grounds that it bore substantial similarity to the well-known BIORE trademark, both visually and phonetically. This decision affirms that the use of counterfeit trademarks, which may indicate bad faith and has the potential to cause consumer confusion, must be rejected and annulled, as stipulated in Law No. 15 of 2001 on Trademarks. This Research used a normative juridical research method, through the method of collecting library data on laws and regulations, court decisions, and related legal literature. This method allows an in-depth analysis of the Supreme Court's legal considerations, including the criteria for well-known marks, the principle of substantial similarity, and the intent of the party involved, all of which demonstrate the important role of the Supreme Court's decision in strengthening the principle of legal protection for original trademarks in Indonesia. The study's findings show that Supreme Court Decision No. 590 K/Pdt.Sus/2012 serves as an important precedent in establishing legal boundaries against the practice of imitating well-known trademarks. The decision emphasizes that Indonesia's trademark law system must uphold market honesty, ensure consumer protection against misleading information, and safeguard the existence and reputation of original trademarks based on principles of fairness and transparency.

Keywords: Legal Standing; Imitation Trademark; Supreme Court Decision Number 590 K/Pdt.Sus/2012.