

ABSTRAK

Dalam Putusan Mahkamah Agung Nomor 49 PK/Pdt.Sus- HKI/2018 menolak permohonan peninjauan kembali dari pemohon peninjauan kembali Pierre Cardin asal Perancis dan menyatakan merek Pierre Cardin asal Indonesia milik Alexander Satryo Wibowo menang. Sehingga persoalan ini mengakibatkan terjadinya ketidak jelasan dalam perlindungan terhadap merek terkenal. Tujuan penelitian ini adalah untuk menganalisis pertimbangan hakim terkait penolakan permohonan peninjauan kembali atas pembatalan merek Pierre Cardin (Perancis) pada Putusan Nomor 49 PK/Pdt.Sus-HKI/2018, menganalisis Putusan Nomor 49 PK/Pdt.Sus-HKI/2018 telah sesuai dengan ketentuan Undang-Undang Nomor 20 tahun 2016 tentang Merek dan Indikasi Geografis dalam melindungi hak pemilik merek Pierre Cardin, dan menganalisis akibat hukum penolakan permohonan peninjauan kembali atas putusan Nomor 49 PK/Pdt.Sus-HKI/2018 terkait kasus sengketa merek dagang Pierre Cardin.

Metode pendekatan yang digunakan dalam penelitian ini adalah Metode pendekatan yuridis normatif. Penelitian dalam penulisan tesis ini adalah deskriptif analisis. Sumber data yang dipergunakan yaitu sumber data sekunder sebagai sumber data yang utama.

Berdasarkan hasil penelitian menyatakan bahwa Pertimbangan hakim terkait penolakan permohonan peninjauan kembali atas pembatalan merek Pierre Cardin (Perancis) pada Putusan Nomor 49 PK/Pdt.Sus-HKI/2018 yaitu pengajuan gugatan pembatalan merek yang diajukan ini tidak memenuhi syarat formil suatu gugatan dikarenakan Penggugat sudah pernah mengajukan gugatan pembatalan merek sehingga menurut hukum pihak Penggugat tidak diperbolehkan lagi untuk mengajukan gugatan ini. Selain itu, permohonan pemeriksaan peninjauan kembali yang diajukan oleh Pemohon Peninjauan Kembali Pierre Cardin ditolak. Putusan Nomor 49 PK/Pdt.Sus-HKI/2018 telah sesuai dengan ketentuan Undang-Undang Nomor 20 tahun 2016 tentang Merek dan Indikasi Geografis dalam melindungi hak pemilik merek Pierre Cardin. Akibat hukum penolakan permohonan peninjauan kembali atas putusan Nomor 49 PK/Pdt.Sus-HKI/2018 terkait kasus sengketa merek dagang Pierre Cardin yaitu bagi Pierre Cardin Paris mengakibatkan pihaknya tidak dapat mendaftarkan merek dagang Pierre Cardin Paris miliknya di Indonesia .

Diharapkan apabila merek sengketa yang menyangkut perbedaan interpretasi dalam menilai suatu merek apakah merek tersebut adalah merek terkenal atau tidak, maka haruslah dibuktikan berdasarkan kondisi atau fakta hukum di negara hakim yang memeriksa sengketa tersebut, dan diharapkan pula Direktorat Jenderal Hak Kekayaan Intelektual supaya lebih cermat dan selektif dalam hal pendaftaran merek.

Kata Kunci: *Perlindungan Hukum, Sengketa Merek, Pierre Cardin*

ABSTRACT

In the Supreme Court Decision Number 49 PK / Pdt.Sus-HKI / 2018 rejected the request for reconsideration from the applicant for reconsideration Pierre Cardin from France and stated that the Indonesian Pierre Cardin trademark belonging to Alexander Satriyo Wibowo won. So that this problem results in unclear protection of well-known brands. The purpose of this study was to analyze the judges' considerations regarding the rejection of the request for reconsideration of the cancellation of the Pierre Cardin (France) brand in Decision Number 49 PK / Pdt.Sus-HKI / 2018, to analyze Decision Number 49 PK / Pdt.Sus-HKI / 2018 as appropriate with the provisions of Law Number 20 of 2016 concerning Trademarks and Geographical Indications in protecting the rights of the Pierre Cardin trademark owner, and analyzing the legal consequences of rejecting the request for review of decision Number 49 PK / Pdt.Sus-HKI / 2018 regarding the Pierre Cardin trademark dispute case .

The approach method used in this research is the normative juridical approach method. The research in writing this thesis is descriptive analysis. The data source used is the secondary data source as the main data source.

Based on the results of the study, it was stated that the judge's consideration regarding the rejection of the request for reconsideration of the cancellation of the Pierre Cardin (France) mark in Decision Number 49 PK / Pdt.Sus-HKI / 2018, namely the filing of a trademark cancellation lawsuit that was filed did not meet the formal requirements of a lawsuit because the Plaintiff had already ever filed a lawsuit for cancellation of a mark so that according to the law, the Plaintiff is no longer allowed to file this lawsuit. In addition, the request for reconsideration examination submitted by Petitioner for Reconsideration, Pierre Cardin, was rejected. Decision Number 49 PK / Pdt.Sus-HKI / 2018 is in accordance with the provisions of Law Number 20 of 2016 concerning Trademarks and Geographical Indications in protecting the rights of the Pierre Cardin trademark owner. The legal consequence of rejecting the request for reconsideration of decision Number 49 PK / Pdt.Sus-HKI / 2018 regarding the Pierre Cardin trademark dispute case is that for Pierre Cardin Paris, his party cannot register his Pierre Cardin Paris trademark in Indonesia.

It is hoped that if the mark disputes concerning differences in interpretation in assessing a mark whether the mark is a well-known mark or not, it must be proven based on conditions or legal facts in the state of the judge examining the dispute, and it is also hoped that the Directorate General of Intellectual Property Rights will be more accurate and selective. in terms of trademark registration.

Keywords: Legal Protection, Trademark Disputes, Pierre Cardin