PERLINDUNGAN HUKUM TERhadap Indikasi Geografis sebagai Ciri Suatu Produk di Tinjau dari Undang-Undang Nomor 15 Tahun 2001 Tentang Merek

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Law

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The purpose of this legal writing are know the legal protection of geographical Indications as product characteristic in Indonesia that is observed from constitution number 15th, 2001 about trademark, so we will know the important of geographical indication registration for legal protection toward geographical indication, superabundance and destitute is registered or not the geographical indication, and we will also know the factors cause, why the government not release government regulation about the way of geographical indication registration yet. Beside that to know execution measure of the constitutions about trademark article 56 paragraph (9), constitution number 15th, 2001, about the way of geographical indication registration, so the legal protection of geographical indication product in Indonesia can be done.

The methods that used by writer for this legal writing is yuridis normative method with statute approach. The law material that used by writer for this legal writing are constitution number 15th, 2001 about trademark, and also the previous constitution about trademark are constitution number 14th, 1997 and constitution number 19th, 1992. Beside that, writer also using writing that flatten theories and specialist opinions, and also the research result report that take in.

From that problem, about the legal protection of geographical indication as product characteristic that is observed from constitution number 15th, 2001 about trademark, after analyzed by interpret all of the legal material, the result is; the rule about geographical indication in constitution number 15th, 2001 about trademark is cant be used as principle within to offer the legal protection of geographical indication product in Indonesia. It cause in that constitution about trademark article 56 paragraph (9) is mention that the rule about the way of geographical indication registration are regulated continuation by the government regulation, meanwhile, that government regulation is affect finished yet until now.

Without the government regulation about the way of geographical indication registration, a lot of geographical indication products in Indonesia is can be registered yet. However, that registration is very important for the legal protection of the geographical indication product. With this registration, the geographical indication product could be accept the legal protection according to clear and decided. Without this registration, it will cause the geographical indication product is could not be accept the legal protection, so it is not close the probably, the geographical indication product is take advantaged by persons who haven’t rights.