

# Tinjauan pencatatan perjanjian lisensi merek pada Direktorat Jenderal Kekayaan Intelektual menurut undang-undang Nomor 15 tahun 2001 tentang merek = Review the registration of the trademark license agreement in directorate general of intellectual property by Act no 15 of 2001 concerning the trademark

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## Abstrak

[Penulisan tesis ini bertujuan untuk mengetahui bagaimana Tinjauan Pencatatan Perjanjian Lisensi Merek Pada Direktorat Jenderal Kekayaan Intelektual menurut UU no. 15 tahun 2001 tentang merek. Permasalahan dalam tesis ini adalah apakah undang-undang merek sudah cukup mengatur tentang perjanjian lisensi merek, apakah konsekuensi atas perjanjian lisensi yang belum dicatatkan pada Direktorat Jenderal Kekayaan Intelektual, apakah kendala/hambatan dalam praktek dengan belum diterbitkannya PP tentang tata cara pencatatan perjanjian lisensi merek. Penulisan tesis ini menggunakan metode penelitian hukum normatif dengan data sekunder sebagai sumber datanya. Undang-undang No. 15 Tahun 2001 tentang Merek, belum cukup mengatur tentang hal-hal yang berkaitan dengan merek terutamanya tentang perjanjian Lisensi Merek. Karena dalam undang-undang ini hanya terdapat aturan secara umum, belum terdapat aturan yang mengatur secara khusus tentang merek tersebut. Konsekuensi yang didapat oleh penerima atau pemberi lisensi adalah tidak mendapatkan perlindungan hukum terhadap perjanjian lisensi yang mereka buat atas Hak Kekayaan Intelektual. Karena perjanjian lisensi yang tidak dicatatkan pada Direktorat Jenderal, maka tidak akan mengikat pihak ketiga.. Kendala-kendala/hambatan dalam praktek dengan belum diterbitkannya Peraturan Presiden tentang tata cara pencatatan perjanjian lisensi adalah mengakibatkan perjanjian lisensi itu tidak di proses oleh Direktorat Jenderal, serta syarat-syarat atas pencatatan perjanjian lisensi tersebut tidak dapat dilaksanakan sebagaimana mestinya. Akibat lain adalah pemohon merasa kurang perlu mencatatkan suatu perjanjian lisensi yang dibuatnya, sehingga mengakibatkan berkurangnya pemohon;This thesis aims to determine how Registration Overview Trademark License Agreement In the Directorate General of Intellectual Property by Law no. 15 2001 about the trademark. The problem in this thesis is Does the law governing the trademark has enough trademark licensing agreement, whether the consequences of the license agreement which has not been recorded at the Directorate General of Intellectual Property, whether the obstacles / barriers in practice by not issuing the PP regarding the procedure of recording the license agreement trademark. This thesis uses normative law research method with secondary data as its data source.Act No. 15 of 2001 on Trademarks, have not

sufficiently regulate on matters relating to the trademark mainly on Trademark License Agreement. Because in this law there are only general rules, yet there were rules governing specifically about the trademark. Consequences obtained by the recipient or licensor is no legal protection against license agreements they make. Due to licensing agreements that are not listed in the Directorate General, it will not be binding on third parties .Constraints / obstacles in practice by not issuing a Presidential Regulation on the procedure of registration of the license agreement is resulting in a license agreement it is not in the process by the Directorate-General, as well as on registration terms of the license agreement can not be implemented properly. Another consequence is the applicant felt less need to record a license agreement made, thus resulting in fewer applicants, This thesis aims to determine how Registration Overview Trademark

License Agreement In the Directorate General of Intellectual Property by Law no. 15 2001 about the trademark. The problem in this thesis is Does the law governing the trademark has enough trademark licensing agreement, whether the consequences of the license agreement which has not been recorded at the Directorate General of Intellectual Property, whether the obstacles / barriers in practice by not issuing the PP regarding the procedure of recording the license agreement trademark. This thesis uses normative law research method with secondary data as its data source.Act No. 15 of 2001 on Trademarks, have not sufficiently regulate on matters relating to the trademark mainly on Trademark License Agreement. Because in this law there are only general rules, yet there were rules governing specifically about the trademark. Consequences obtained by the recipient or licensor is no legal protection against license agreements they make. Due to licensing agreements that are not listed in the Directorate General, it will not be binding on third parties .Constraints / obstacles in practice by not issuing a Presidential Regulation on the procedure of registration of the license agreement is resulting in a license agreement it is not in the process by the Directorate-General, as well as on registration terms of the license agreement can not be implemented properly. Another consequence is the applicant felt less need to record a license agreement made, thus resulting in fewer applicants]