

ABSTRAK

Merek terkenal merupakan aset kekayaan intelektual yang bernilai tinggi dan memerlukan perlindungan hukum yang optimal, khususnya dalam konteks perjanjian lisensi yang semakin berkembang pesat di Indonesia. Penelitian ini bertujuan menganalisis pengaturan hukum perjanjian lisensi merek terkenal di Indonesia, mengkaji kedudukan akta notaris dalam perjanjian lisensi merek sebagai instrumen hukum yang memberikan kepastian, serta menemukan bentuk perlindungan hukum bagi pemilik merek terkenal melalui pembuatan akta notaris. Metode penelitian yang digunakan adalah penelitian hukum normatif bersifat deskriptif-analitis dengan pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*), dan pendekatan kasus (*case approach*). Sumber bahan hukum meliputi bahan hukum primer berupa peraturan perundang-undangan, bahan hukum sekunder berupa buku dan jurnal ilmiah, serta bahan hukum tersier berupa kamus hukum. Hasil penelitian menunjukkan bahwa: pertama, pengaturan hukum perjanjian lisensi merek di Indonesia diatur dalam Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis serta Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris, namun masih terdapat celah hukum terkait kewajiban pembuatan akta autentik; kedua, akta notaris dalam perjanjian lisensi merek memiliki kedudukan sebagai alat bukti yang sempurna dan mengikat berdasarkan Pasal 1870 KUHPdata, sehingga memberikan kepastian hukum yang lebih kuat dibandingkan akta di bawah tangan; ketiga, perlindungan hukum bagi pemilik merek terkenal melalui akta notaris mencakup

Kata Kunci: Akta Notaris, Lisensi Merek, Merek Terkenal, Perlindungan Hukum, Kepastian Hukum

ABSTRACT

A well-known trademark is a highly valuable intellectual property asset that requires optimal legal protection, particularly in the context of licensing agreements that are growing rapidly in Indonesia. This research aims to analyze the legal regulation of well-known trademark licensing agreements in Indonesia, examine the legal standing of notarial deeds in trademark licensing agreements as a legal instrument providing certainty, and discover the form of legal protection for well-known trademark owners through the creation of notarial deeds. The research method used is normative legal research of a descriptive-analytical nature with a statute approach, conceptual approach, and case approach. Legal materials include primary legal materials in the form of legislation, secondary legal materials in the form of books and scientific journals, and tertiary legal materials in the form of legal dictionaries. The research results show that: first, the legal regulation of trademark licensing agreements in Indonesia is regulated in Law Number 20 of 2016 on Trademarks and Geographical Indications and Law Number 2 of 2014 on Amendments to Law Number 30 of 2004 on the Position of Notary, but there are still legal gaps regarding the obligation to create authentic deeds; second, notarial deeds in trademark licensing agreements have a position as perfect and binding evidence based on Article 1870 of the Civil Code, thus providing stronger legal certainty than private deeds; third, legal protection for well-known trademark owners through notarial deeds includes preventive protection in the form of prevention of trademark abuse and repressive protection in the form of recovery of rights over misused trademarks.

Keywords: Notarial Deed, Trademark License, Well-Known Trademark, Legal Protection, Legal Certainty