

ABSTRACT

Free trade begins with free movement of goods, services, and persons which give chance of importing goods, services, and persons from overseas freely come to Indonesia. Genuine importation in the same goods in a different markets region, will creating it's own market. The differences of jurisdiction territory and barriers to entry will give opportunity to market participants selling their imports products competitively. Parallel Importation occur when importers bring their genuine products, together with the Licensee (license holder) selling their genuine products competitively-cheaper, in the same time (parallel), with the selling genuine products by trademark owner. Trademark protection have important roles on parallel importation, good comprehension of Trademark exploration rights and protection for related parties will avert market participants from business loss. From law enforcement authorities also able to resolve parallel import dispute in a fair way and truly based on Trademark Law.

*Keywords: Business Law; Trademark Law; Parallel Importation; Licence:
Agreement.*

DAFTAR PERATURAN PERUNDANG-UNDANGAN

A. UNDANG-UNDANG

Règlement Industrielle Eigendom Kolonien Tahun 1912 Undang-Undang Nomor 21 Tahun 1961 tentang Merek.

Undang-Undang Nomor 19 Tahun 1992 tentang Perubahan UU No. 21/1961 tentang Merek.

Undang-Undang Nomor 7 Tahun 1994 tentang Pengesahan Pembentukan Organisasi Perdagangan Dunia (*Agreement on Establishing the World Trade Organization/ WTO*).

Undang-Undang Nomor 10 Tahun 1995 tentang Kepabeanan.

Undang-Undang Nomor 14 Tahun 1997 tentang Perubahan UU No. 19/1992 tentang Merek.

Undang-Undang Nomor 5 tahun 1999 tentang Larangan Praktik Monopoli dan Persaingan Usaha Tidak Sehat.

Undang-Undang Nomor 15 Tahun 2001 tentang Merek Undang-Undang Nomor 17 tahun 2006 tentang Kepabeanan.

B. PERATURAN PEMERINTAH

Peraturan Pemerintah Nomor 23 Tahun 1994 tentang Tata Cara Permintaan Pendaftaran Merek.

C. INTERNATIONAL LEGAL INSTRUMENT

Agreement on Trade Related Aspects of Intellectual Property Rights Including Trade in Counterfeit Goods (TRIPs).

The Pans Convention for the Protection of Industrial Property (Paris Convention).