



Protecting Famous Trademarks: Legal Insights from the EV Electro Voice Case in Indonesia

Inni Isnaini Robiyatul Adawiyah^{1*}, Septi Indrawati²

^{1,2}Faculty of Law, Universitas Muhammadiyah Purworejo, Indonesia

*Corresponding email: inniisnaini21@gmail.com

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Abstract

Trademark rights play a critical role in business, particularly in navigating global competition and safeguarding well-known brands. However, the principle of good faith in trademark registration is often exploited to mimic the fame of established trademarks. This study examines the prohibition of the registered trademark "EV ELECTROVOICE + Logo" as contested by the trademarks "EV and Logo" and "ELECTRO-VOICE," as outlined in Decision Number 83/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst. The research aims to analyze the legal rationale behind the court's decision and its implications for trademark protection in Indonesia, especially concerning the application of the first-to-file principle and the protection of well-known trademarks. Employing a normative juridical method, the study focuses on examining relevant legal norms and their application in practice. The findings reveal that the court nullified the "EV ELECTROVOICE + Logo" registration due to bad faith, as the registration was intended to leverage the reputation of well-known trademarks. This decision underscores the significance of maintaining good faith in trademark registration and highlights the influence of international law in securing rights for well-known trademarks. The study contributes to a deeper understanding of trademark law dynamics in Indonesia and sheds light on the decision's implications for protecting famous trademarks within the national legal framework. Ultimately, the research aims to enrich the comprehension of trademark law principles in Indonesia and provide insights for improving regulations to address the challenges of trademark protection in a globalized era.



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A. INTRODUCTION

A brand serves as a cornerstone of business operations, functioning as a distinguishing feature that sets one product apart from another (Tanjung et al., 2023). Its importance is rooted in its capacity to act as a visual and symbolic identifier, which not only differentiates goods but also communicates trust and credibility to consumers. According to Law Number 20 of 2016 on Trademarks and Geographical Indications, a trademark is defined as a graphical sign comprising images, logos, names, words, letters, numbers, arrangements, colors, or combinations thereof. These may exist in two or three dimensions, or as auditory elements like sound or holograms, providing a distinctive mark for goods and

services offered by individuals or businesses. This legal framework underscores the strategic and symbolic value of trademarks, affirming their critical role in modern commerce. By embedding their identity into these legal signifiers, businesses secure an essential tool for building long-term consumer relationships and market recognition (Indrawati & Rachmawati 2021).

Beyond their role as distinguishing features, trademarks embody public trust and popularity, becoming symbols of consumer loyalty and brand reputation (Maileni, 2018). For businesses, trademarks are pivotal in safeguarding their reputational capital and economic interests (Gaumi & Hartono 2022). Legally, Article 503 of the Indonesian Civil Code classifies trademarks as intangible movable assets, underscoring their transferable nature and high economic value. However, the very attributes that make trademarks valuable also expose them to misuse and exploitation. Issues such as brand infringement and imitation have become increasingly prevalent, often targeting businesses that have invested significant resources in building market credibility and visibility (Nafri, 2018). These violations, driven by unfair competition, lead to consumer confusion and reduced profits for the original brand owners. The act of copying or plagiarizing established brand identities not only distorts market fairness but also erodes consumer trust, necessitating robust legal interventions (Denny et al., 2022).

In Indonesia's dynamic industrial and commercial environment, trademark disputes have become a critical concern, intersecting legal frameworks and business interests. The protection of trademark rights is indispensable for combating deceptive practices such as infringement and imitation, which erode rightful ownership and diminish the economic value of brands (Perdana, 2017). Legal safeguards are pivotal in fostering fair competition, preserving consumer trust, and ensuring the integrity of business transactions. These disputes frequently arise when prominent brands, having invested significant resources in market development, become targets of exploitation through imitation. Such actions mislead consumers and divert market share, compelling businesses to engage in costly legal battles to safeguard their brand equity. As the prevalence of these disputes escalates, the necessity of clear legal frameworks and robust enforcement mechanisms becomes increasingly evident (Gunawan et al., 2023). Examining such cases provides critical insights into the interplay between intellectual property law and commercial practices, underscoring the importance of legal certainty in cultivating a fair and competitive business ecosystem. Strong legal protections not only deter unethical behavior but also stimulate innovation and enhance competitiveness, ultimately benefiting businesses, consumers, and the broader economy (Jaya et al., 2022).

Trademark disputes have been a subject of substantial academic and legal scrutiny, particularly concerning registration procedures, legal protections, and resolution mechanisms. A notable example is the dispute between the trademarks

Gudang Garam and *Gudang Baru*. *Gudang Garam* alleged that *Gudang Baru* acted in bad faith by imitating its packaging design, product naming, and red-themed imagery, causing consumer confusion. Despite these striking similarities, the Directorate General of Intellectual Property/*Direktorat Jenderal Kekayaan Intelektual* (DJKI) initially approved *Gudang Baru*'s registration (Nuzula, 2024). This raised serious questions about the government's accountability in safeguarding trademarks against fraudulent imitations that exploit the reputation of well-established brands. *Gudang Garam*, having secured its trademark rights through DJKI, pursued legal action to cancel *Gudang Baru*'s registration. The lawsuit highlighted systemic flaws in DJKI's registration process and underscored the bad faith underlying *Gudang Baru*'s actions. Ultimately, the court ruled in favor of *Gudang Garam*, emphasizing the critical importance of stringent oversight and enforcement in trademark protection to deter misuse and ensure fair competition (Setyawan & Ratnawati, 2022).

Similar disputes have arisen in Indonesia, highlighting significant challenges in applying legal principles to trademark cancellation cases. Many Commercial Court rulings on trademark disputes have struggled to align with established legal frameworks. Issues such as bad faith registration and the dominance of the "First to File" principle often overshadow the protection of well-established trademarks (Atikah, 2019). A prominent case involving "EV and Logo" and "ELECTRO-VOICE" against "EV ELECTROVOICE + Logo" exemplifies this issue, where bad faith registration was a critical concern. The plaintiff, an internationally recognized brand not registered in Indonesia, accused the defendant of exploiting its reputation (Marlyna, 2019). Such cases underscore systemic weaknesses in Indonesia's trademark registration and enforcement systems, where unauthorized imitative trademarks threaten brand integrity. These challenges call for stricter application of legal standards to safeguard trademarks against exploitation, emphasizing the urgent need for reform in Indonesia's trademark dispute resolution and registration frameworks (Arifin & Iqbal 2020).

Against this backdrop, the study titled "*Legal Analysis of the Cancellation of the Registered Trademark 'EV ELECTROVOICE + Logo' by the Trademarks 'EV and Logo' and 'ELECTRO-VOICE'*" investigates the legal basis for trademark cancellations. The plaintiff accused the defendant of bad faith registration, leveraging the reputation of "EV and Logo" and "ELECTRO-VOICE." Despite the plaintiff's trademark protection in multiple jurisdictions, its lack of registration in Indonesia exposed critical vulnerabilities. This study examines regulatory shortcomings and legal interpretations in such disputes, proposing solutions to enhance the enforcement of trademark laws and shield established brands from bad faith actors. By addressing these issues, the study contributes to broader discussions on harmonizing international trademark protections with local legal systems,

mitigating disputes, and fostering equitable commercial practices (Hartono et al., 2023).

B. RESEARCH METHOD

This research employs a normative legal or juridical methodology, integrating a legal and normative approach. The legal approach involves the application of existing laws and regulations, while the normative approach emphasizes the utilization of secondary data within the legal domain (Disemadi, 2022). The methodology encompasses the identification, collection, and analysis of legal materials, including primary legal sources such as statutes and regulations pertaining to trademarks; secondary legal sources, such as scholarly books and academic journals; and tertiary materials, such as legal dictionaries. The study adopts a Statute Approach, systematically examining laws and regulations relevant to the issue under investigation. Specifically, the analysis focuses on Law Number 20 of 2016 concerning Trademarks and Geographical Indications (Kim et al., 2019). The primary objective of this normative legal approach is to scrutinize legal norms related to trademarks in the context of Case Number 83/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst. By utilizing this methodology, the study is designed to analyze the legal framework and principles governing trademarks within the Indonesian legal system, obviating the need for empirical or field research. This approach is pivotal in understanding how the norms embodied in legislation are interpreted and applied in resolving trademark-related issues. Moreover, the statutory approach facilitates an evaluation of the alignment between existing legal provisions and their practical implementation, ensuring a comprehensive analysis of the regulatory framework governing trademarks in Indonesia (Paul et al., 2022).

C. RESULTS AND DISCUSSIONS

In contemporary commerce, trademarks have emerged as pivotal assets, serving as distinctive identifiers that set one business apart from another (Gunawan et al., 2023). Companies that have established strong reputations through their trademarks frequently encounter challenges in ensuring trademark protection. Trademark infringement represents a severe legal violation, making counterfeiting a persistent concern in Indonesia (Balqis, 2021). Trademark disputes often arise from various factors, including similarities in names or logos, bad-faith registration, unfair commercial practices, intellectual property rights violations, controversies surrounding the first-to-file rule, market expansion into new regions, or similarities in goods or services offered (Khotimah & Apriani, 2022). These issues frequently act as catalysts for conflicts over trademark usage, prompting affected parties to initiate legal claims. Trademark disputes have become an inevitable aspect of modern commerce, frequently requiring legal

intervention to resolve conflicts over rightful ownership. Such disputes often lead aggrieved parties to pursue trademark cancellation as a means of protecting their intellectual property rights and ensuring that no unauthorized or perceived violations undermine their business interests or brand integrity (Widiatmika, 2023).

Trademark cancellation can occur for several reasons. A prominent cause is the failure to comply with the first-to-file principle, which prioritizes the party that first submits a trademark registration application (Putri, 2023), as opposed to the party that initially uses the trademark in commercial activities (Kamila 2022). This principle, enshrined in Article 3 of Law Number 20 of 2016, underscores the significance of trademark registration as a cornerstone of intellectual property protection. The first applicant to meet the legal requirements obtains exclusive rights to the trademark, even if other entities have previously used a similar trademark but failed to register it (Asmara et al., 2019). This system emphasizes the critical importance of implementing a robust registration strategy as a proactive approach to safeguard trademarks. By prioritizing registration over sole reliance on market usage, businesses can ensure stronger legal protections, enhance brand security, and establish a firm foundation for enforcing their intellectual property rights in competitive markets (Samosir, 2019).

Trademark disputes can have far-reaching consequences on business continuity. The use of an identical or similar name by another entity can compromise the brand identity and reputation painstakingly developed by a company, adversely affecting business outcomes and profitability (Edwards, 1838). Legal protection of trademarks is thus essential to safeguard exclusive rights and prevent disputes. The trademark registration process serves as a critical initial step in securing legal protection. Business owners must diligently ensure that their chosen trademark is unique and unregistered by other entities (Sumanti et al., 2018). This precautionary measure facilitates a seamless registration process, mitigating the risk of disputes that could hinder brand growth. Moreover, obtaining legal registration provides trademark owners with legal certainty, fostering a stable and secure business environment conducive to sustainable development (Saputra et al., 2021).

In today's highly competitive commercial landscape, securing a legally protected registered trademark is not merely a safeguard against potential intellectual property violations; it also significantly enhances consumer trust in the products and services offered. Therefore, it is imperative for companies to recognize the critical importance of trademark protection and undertake the necessary steps for proper registration (Purwaningsih, 2020). This ensures that trademarks function not only effectively but also within a robust legal framework, delivering long-term advantages in terms of reputation and profitability. Trademark disputes often involve well-established companies and renowned

trademarks, as exemplified by the recent cancellation of the "EV ELECTROVOICE + Logo" trademark (referred to here as EV Indonesia) by the "EV and Logo" and "ELECTRO-VOICE" trademarks (EV AS). The decision by the Commercial Court (Case No. 83/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst.) arose from a lawsuit filed by Bosch Group, based in the United States, to cancel the registration of the Indonesian trademark owned by businesswoman Melinda Olivia. The "EV and Logo" and "ELECTRO-VOICE" trademarks have been established since 1930 and are globally recognized, with registrations in numerous countries. However, a conflict emerged when a similar trademark was registered in Indonesia by a local entity before the international brand was formally registered with the Directorate General of Intellectual Property (DJKI) (Rachman, 2021).

The EV trademark, an abbreviation for "ELECTRO-VOICE," embodies a prestigious brand originally developed by the plaintiff, renowned for its expertise in producing high-quality Public Address System (PA System) products. This brand has established itself as a symbol of innovation and reliability in the audio technology industry, catering to the needs of professional audio users worldwide. By consistently delivering superior sound performance and durability, the EV trademark has gained recognition and trust within its target market. Its legacy reflects a commitment to advancing audio solutions, making it an indispensable choice for those seeking excellence in PA System technology. These systems include components such as loudspeakers, microphones, and amplifiers. The brand traces its origins to the invention of a loudspeaker device developed for Knute Rockne, a football coach who used it for instructional purposes during training. The name "ELECTRIC VOICE," later refined to "ELECTRO-VOICE," reflects this innovation. First registered in the United States in 1954 under Registration No. 597559, the trademark has undergone ownership changes due to mergers, eventually becoming part of Bosch Security Systems, Inc.

EV (US) products are marketed and registered in a wide array of countries, including Australia, the United Kingdom, Japan, China, South Korea, India, and several European Union member states. Their success is bolstered not only by extensive international marketing efforts but also by strategic promotions through official websites, participation in global exhibitions, and recognition through prestigious awards. Furthermore, the EV (US) brand has been present in the Indonesian market for decades, with evidence of its operations predating 2010. This case underscores the complexities of trademark protection in a globalized economy and highlights the importance of proactive legal measures in safeguarding intellectual property rights. In Indonesia, there is a brand for similar products to the EV US, hereinafter referred to as "EV ELECTROVOICE + Logo," a separate company with nothing to do with the EV (US) brand. This brand was registered with the DJKI in August 2020, Class 9 with the type of goods "sound mixer, loudspeaker, microphone, wireless, portable speaker", so the EV (Indonesia) brand

is considered to contain similarities in principle. Here is a look at both EV brands and their products:

EV + Logo and ELECTRO-VOICE (EV US)	EV ELECTROVOICE + Logo (EV Indonesia)
 <p>Nomor Pendaftaran 1145424 Tanggal Penerimaan 04-04-1979</p> <p>ELECTRO-VOICE No. Pendaftaran 1444976, Tanggal Penerimaan 09-07-1976</p>	 <p>Nomor Pendaftaran IDM000796912. Tanggal Penerimaan 25-11-2019</p>
EV US	EV Indonesia
 <p>Nama produk ZLX 15BT https://products.electrovoice.com/la/es/zlx-15bt/</p>	 <p>Nama produk ZLX 15BT IND https://www.instagram.com/p/CulmB0Srom/</p>

Based on the analysis above, it is evident that the typography of the EV brand in Indonesia, particularly the distinctive features of the letter "V," shares significant similarities with the stylistic elements of the EV brand in the United States. These parallels extend to the sound, pronunciation, and overall layout of the brand's elements. The EV (US) brand alleges that the EV (Indonesia) brand has violated Article 21(1) of Indonesia's Trademark Law by registering its trademark with the intent to imitate or plagiarize a well-known brand. Consequently, a

lawsuit was filed to annul the trademark. The Jakarta Commercial Court, in its ruling Number 83/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst., decided to cancel the registration of the EV (Indonesia) brand, which was previously registered with the DJKI (Pujiyono, 2021).

The cancellation was grounded in Article 21(1)(b) of Indonesia's Trademark Law, which stipulates that a trademark application must be rejected if it bears substantial or overall similarity to a well-known mark belonging to another party for comparable goods or services. However, the cancellation of a trademark requires the party filing the claim to substantiate that the contested trademark qualifies as a well-known mark. According to legal experts, a well-known trademark is one that enjoys widespread recognition and a strong reputation, making it easily identifiable to consumers across various segments. The criteria for determining a well-known mark, as outlined in the explanatory note of Article 21(1)(b), include factors such as public recognition within the relevant industry, sustained and extensive promotion, evidence of significant investment in multiple countries, documented brand registration in numerous jurisdictions, and independent surveys verifying the mark's renown. Under Indonesian trademark law, well-known marks are afforded enhanced protection, often extending beyond their original classes of goods or services (Afif and Sugiyono, 2021). In the present case, if the "EV and Logo" and "ELECTRO – VOICE" are established as well-known trademarks, they are entitled to protection against registration of similar marks, even those registered earlier. Such protections are crucial to preventing consumer confusion and safeguarding the reputation of well-established brands, especially when competing products or services may lack comparable quality or prestige. While the "first to file" principle generally favors the first party to register a trademark, the law accommodates exceptions to prioritize the integrity and recognition of well-known trademarks. This balance underscores the importance of protecting consumer trust and preventing the dilution of brand reputation in the marketplace (Istiqmalia, 2021).

Based on the decision of the Commercial Court Judge No. 83/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst., the trademarks "EV and Logo" and "ELECTRO-VOICE," owned by the plaintiff, were recognized as well-known trademarks. This classification aligns with the criteria outlined in Article 21(b) of the Trademark Law, affirming the EV (US) brand's compliance as a well-known trademark. The decision was supported by compelling evidence presented in court, including witness testimonies and trademark registration certificates in multiple jurisdictions, demonstrating the brand's extensive geographical reach and long-term usage. Furthermore, as established in legal precedent, well-known trademarks are entitled to legal protection even if they have not yet been registered with the Directorate General of Intellectual Property (DJKI). Given this designation as a well-known trademark, the principle of "First to File" may be set

aside. Article 3 of the Trademark Law states that trademark rights are acquired through registration rather than initial use. However, the EV (Indonesia) brand registered its trademark with DJKI in 2019, while the EV (US) brand has only recently initiated its registration process. This discrepancy necessitates the cancellation of the EV (Indonesia) trademark to prevent conflict with the principles of trademark law. Under the constitutive registration system, the entity that first registers its trademark is afforded legal protection (Asmara et al., 2019).

The EV (US) brand filed a cancellation lawsuit based on the argument that their trademark is well-known and that imitation by third parties has caused consumer confusion and substantial harm to their company. This aligns with Article 76(1) of Law No. 20 of 2016, which allows for the cancellation of registered trademarks on the grounds outlined in Articles 20 and 21. Notably, Indonesian trademark law prioritizes protecting trademarks registered in good faith. The EV (Indonesia) registration mirrors the EV (US) trademark in product type, composition, elements of design, and phonetic resemblance, resulting in potential consumer misdirection, as stipulated under Article 21(3) of the Trademark Law. In rendering their decision, judges are obligated to deliver outcomes that uphold justice, legal certainty, and equity, balancing logic, rationality, and broader moral considerations. As Monteiro (2007) emphasizes, judicial decisions must reflect fairness and serve the interests of justice seekers. Legal protection for trademarks aims to ensure certainty, equity, and utility concerning trademark rights. According to Article 1(5) and Article 3 of the Trademark and Geographical Indications Law, trademark rights are exclusive and are granted only upon registration, underscoring the importance of upholding the integrity of the registration system.

The authority to revoke the trademarks "EV + Logo" and "ELECTRO-VOICE" from the trademark "EV ELECTROVOICE + Logo" should not solely rely on the First-to-File principle. Instead, it is imperative to consider Indonesia's obligations as a member of the World Trade Organization (WTO) to comply with international agreements under the WTO framework, particularly the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) (Melatyugra, 2015). Article 3(1) of TRIPS mandates that member countries protect intellectual property rights (IPR) without discrimination between member states. Furthermore, the Paris Convention also provides protection for well-known trademarks. Article 6bis of the Paris Convention grants owners of well-known trademarks the right to oppose or cancel registrations and prohibit the use of trademarks that reproduce, imitate, or translate the well-known trademark in a manner likely to confuse consumers (Rafianti, 2015). These international provisions should guide judges in safeguarding well-known trademarks, even if they are not registered with the Directorate General of Intellectual Property (DJKI). Given these considerations, it is essential to first establish whether "EV +

Logo" and "ELECTRO-VOICE" qualify as well-known trademarks through sufficient and credible evidence. Well-known trademarks typically enjoy stronger legal protection, including in jurisdictions where they have not been registered (Lobo & Wauran, 2021). In this case, the court concluded that the EV (US) brand fulfilled several criteria qualifying it as a well-known brand. Evidence included widespread public recognition of the brand in its specific market and field, promotion, sales, and trademark registrations in multiple countries, demonstrating extensive reach and visibility (Gunawan, 2022). Thus, the requirements for canceling a trademark registration by a well-known brand, as outlined in Article 83(2) of the Trademark Law, were met.

When assessing the cancellation based on the First-to-File principle and the protection of well-known foreign trademarks, a critical issue emerges: EV (Indonesia) produces identical goods classified under Class 9 as EV (US). Article 20(e) of Law No. 20 of 2016 on Trademarks and Geographical Indications prohibits the registration of trademarks lacking distinguishing features. Furthermore, the visual similarities between the trademarks, including the style and font used by Melinda Olivia's company, should be closely examined. These considerations help determine whether the "EV ELECTROVOICE + Logo" trademark has substantial similarities with the EV (US) brand and whether the registration was made in bad faith—intending to exploit the reputation of the well-known trademark. EV (Indonesia) manufactures products within Class 9, particularly sound systems, which are among the most popular products in the market, including among EV (US) consumers. The evidence suggests that the EV (Indonesia) brand intentionally imitates the name, type, and design of EV (US) products. The only variation lies in the placement of the logo, while the writing style and font remain identical, leading to the conclusion that the EV (Indonesia) brand constitutes a direct imitation of the EV (US) brand. This strongly indicates that the registration of the EV (Indonesia) trademark was undertaken in bad faith, aiming to capitalize on the goodwill of the well-known EV (US) brand (Kneza et al., 2019).

The Commercial Court at the Central Jakarta District Court has determined that the sound system product brands "EV + Logo," "ELECTRO-VOICE," and "EV ELECTROVOICE + Logo" exhibit substantial similarities in principle. This conclusion is based on evidence presented by "EV + Logo" and "ELECTRO-VOICE," which includes trademark registrations in multiple countries, promotional materials, participation in various exhibitions, awards received, and logo excerpts, as outlined in evidence items P-1 to P-285 and T-1 to T-17. The comprehensive evidence demonstrates that the "EV (US)" brand is a well-known trademark. The court's determination of similarity involved a direct comparison of the two brands, employing visual analysis to identify overlaps and differences, as well as assessing the overall impression created by these elements. The panel of judges highlighted evidence such as P-26, T-1, and TT-01, which

substantiate that the "EV (Indonesia)" brand shares significant elements with the "EV (US)" brand. Key similarities include the typography of the "EV ELECTROVOICE" logo, font choice, phonetic resemblance, pronunciation, and the arrangement of branding elements. The ruling aligns with Supreme Court Jurisprudence Number 2279 PKI/1992, which provides criteria for assessing similarity in form, composition, combination, elements, sound, speech, and visual appearance (Knez et al., 2019).

While the "EV (Indonesia)" brand incorporates the word "Elektrovoice" beneath the EV logo, distinguishing it partially, the overall similarity in product appearance, typography, and branding indicates a fundamental resemblance to the "EV (US)" brand. Consequently, the court concluded that the "EV (Indonesia)" product does not merit trademark protection for goods in the same category (Shaleh & Trisnabilah, 2020). Furthermore, the similarities between the two brands, when viewed holistically, can result in consumer confusion. The placement and design of the logos, along with their visual resemblance, could lead to blurring and misidentification, potentially misleading consumers (Denny et al., 2022). The addition of the word "Elektrovoice" on the "EV (Indonesia)" brand does not sufficiently differentiate it, given the overall similarity in design and presentation. The court also addressed the issue of bad faith in trademark disputes, which involves registering a trademark to exploit the reputation of an established, well-known brand. In this case, the registration of the "EV ELECTROVOICE" trademark by an unaffiliated party demonstrates intent to capitalize on the goodwill of the "EV (US)" brand. Such actions undermine market integrity and consumer trust, underscoring the need for robust legal protections for well-known brands to safeguard their rights and prevent market disruption caused by bad faith registrations (Knez et al., 2019).

The court's ruling upheld the lawsuit asserting that the EV (Indonesia) brand had registered its trademark in bad faith. This aligns with Article 4 of the Trademark Law, which stipulates that "a trademark cannot be registered based on an application submitted by an applicant acting in bad faith". Judicial precedent, specifically Supreme Court Decision Number 028 K/N/HKI/2005 dated September 12, 2005, defines bad faith in trademark registration as actions intended to exploit another party's reputation, imitate, or plagiarize their brand for commercial gain, thereby potentially causing harm to others. In the trademark dispute between "EV+Logo" and "ELECTRO-VOICE" against "EV ELECTROVOIVE + Logo," the Commercial Court at the Central Jakarta District Court, in Decision Number 83/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst., ruled in favor of "EV+Logo" and "ELECTRO-VOICE." The court determined that the EV (Indonesia) brand demonstrated bad faith by attempting to capitalize on a well-known trademark, even though it was registered earlier. Such registration can be canceled when it is evident that the trademark in question is a famous one. Consequently, the

Commercial Court's decision aligns with the jurisprudence established in Supreme Court Decision Number 028 K/N/HKI/2005 dated September 12, 2005, reinforcing the principle that bad faith undermines trademark protection (Song et al., 2022).

D. CONCLUSION

Based on the analysis above, the cancellation of the trademark "EV ELECTROVOICE + Logo," as decided in case Number 83/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst., involves several key considerations. This case highlights a conflict between a well-known foreign trademark and a trademark previously registered in Indonesia with the Directorate General of Intellectual Property Rights. Although Indonesia adheres to the "first-to-file" principle in its trademark protection system, certain exceptions arise based on jurisprudence and international agreements. The court's decision reflects a nuanced interpretation, balancing the rights of the first registrant against the protections afforded to well-known trademarks under international law. Indonesia, as a member of the WTO and a signatory to TRIPS and the Paris Convention, upholds the obligation to provide legal protection to well-known trademarks, even in the absence of explicit provisions within its national Trademark Law. The lack of clear constitutional norms regulating the position of international law in Indonesia's legal system does not negate the state's authority to implement international obligations domestically. Therefore, trademarks registered in bad faith, particularly those that bear significant resemblance to well-known trademarks in principle or entirety, must be deemed invalid by the Directorate General of Intellectual Property Rights. This case underscores the need to harmonize national legal frameworks with international commitments to ensure robust protection for intellectual property rights

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COMPETING INTEREST

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