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## **UNREGISTERED WELL-KNOWN MARK PROTECTION IN INDONESIA**

### **Abstract:**

As a part of Intellectual Property Rights, Trademark have a significant role in trade and business activities. Trade Marks has a function as identification to distinguish the production of goods or services produced by a person as a means to promote of the goods or services as well as a guarantee of the products quality within the same time a mark will create an image on the reputation of the goods or services. and many of them Became well-known mark.

Mark represent the goods or services will make the mark became famous mark so it needs legal protection for the marks owners. Indonesia which has been stipulated in Trade Mark Act, 2001 apply first to file system which will provide legal protection to those who register its marks in the Directorate General of Intellectual Property Rights to obtain exclusive rights and legal protection and recognized as a legitimate owners.

In the Trade Mark Law especially in Criminal provisions do not set penalties for infringement of unregistered trade mark and raised legal questions as to how the legal action can be taken when there is infringement unregistered well-known in Indonesia.

### **Keywords:**

well-known mark, unregister mark, protection

**JEL Classification:** K39