

Perlindungan Undang-Undang Harta Intelek Cap Dagangan di Malaysia dan Indonesia

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ABSTRAK

Cap dagangan merupakan salah satu cabang harta intelek. Ia merupakan tanda kepada sesuatu produk atau perkhidmatan. Cap dagangan amat penting dalam membantu pengguna membuat pemilihan terhadap sesuatu produk berdasarkan kuantiti serta harga yang ditawarkan. Perlindungan undang-undang terhadapnya memainkan peranan penting dalam menentukan pemunya asal serta mengelakkan aktiviti peniruan. Perbezaan berkaitan dengan perlindungan undang-undang terhadap sesuatu cap dagangan di Malaysia dan Indonesia adalah keperluan pendaftaran. Di Malaysia, setiap pelanggaran terhadap cap dagangan yang tidak didaftarkan termaktub di bawah prinsip common law iaitu pengelirupaan.

ABSTRACT

Trade mark is one of the branches in intellectual property. It is an identification sign of a product and services. Trade mark is so important that it enables consumers to choose a product on quantities and prices offered. Legal protection on it is vital especially in order to determine who is the lawful owner of it and to prevent growth in counterfeiting activities. The most apparent difference with regards to protection provided by laws in Malaysia and Indonesia is the need for registration. In our country, any infringement of unregistered mark is actionable under common law principles of passing-off.