

ABSTRAK

Pada tahun 2014, Indonesia mengajukan tuntutan ke Organisasi Perdagangan (WTO) terhadap Australia terkait dengan implementasi Tobacco Plain Packaging Act (TPP Act) 2012. Tuntutan ini berdasarkan pada klaim bahwa TPP Act 2012 melanggar beberapa ketentuan dalam Perjanjian TRIPS (Trade-Related Aspects of Intellectual Property Rights) dan Perjanjian GATT (General Agreement on Tariffs and Trade) 1994. Tuntutan ini memiliki implikasi penting bagi industri rokok Indonesia dan kebijakan perdagangan internasional. Indonesia berpendapat bahwa TPP act 2012 melanggar hak cipta dan merek dagang perusahaan rokok Indonesia, serta melanggar prinsip non-diskriminasi dan kebebasan perdagangan. Hasil dari tuntutan tersebut menunjukkan bahwa Panel WTO memutuskan bahwa TPP Act 2012 tidak melanggar ketentuan TRIPS dan GATT 1994, namun beberapa aspek TPP Act 2012 perlu diperbaiki. Keputusan ini memiliki dampak signifikan bagi industri rokok Indonesia dan kebijakan perdagangan internasional.

Kata kunci: Tuntutan Indonesia, WTO, Australia, TPP Act 2014, Perjanjian TRIPS, Perjanjian GATT 1994, hak cipta, merek dagang, prinsip non-diskriminasi, kebebasan perdagangan.

ABSTRACT

In 2014, Indonesia filed a lawsuit with the World Trade Organization (WTO) against Australia regarding the implementation of the Tobacco Plain Packaging Act (TPP Act) 2012. This lawsuit is based on the claim that the TPP Act 2012 violates several provisions of the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) and the GATT Agreement (General Agreement on Tariffs and Trade) 1994. This lawsuit has important implications for the Indonesian cigarette industry and international trade policy. Indonesia argues that the TPP Act 2012 violates the copyrights and trademarks of Indonesian cigarette companies, as well as violating the principles of non-discrimination and freedom of trade. The results of the lawsuit indicate that the WTO Panel decided that the TPP Act 2012 did not violate the provisions of TRIPS and GATT 1994, but several aspects of the TPP Act 2012 needed to be improved. This decision has significant implications for the Indonesian cigarette industry and international trade policy.

Keywords: Indonesia's demands, WTO, Australia, TPP Act 2014, TRIPS Agreement, GATT Agreement 1994, copyright, trademark, non-discrimination principle, freedom of trade.