

インドネシア知財ニュース

IP News in Indonesia

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<Indonesia> Surabaya Indah and Softek Fighting Brand "Safecare"

PT. Surabaya Indah (Plaintiff) in dispute with PT. Softek Indonesia (Defendant) related to the trademark "Safecare". The case number is registered with 80/Pdt.Sus-Merek/2013/PN.Niaga.Jkt.Pst. at the Commercial Court at the Central Jakarta District Court. Plaintiff is aware of the trademark "Safecare" which already has been registered with the Directorate of Intellectual Property Rights on behalf of the Defendant, because at the time of registration of the mark "Safe Care" owned by the Plaintiff it was rejected by the Directorate General of Intellectual Property Rights on the grounds that the registration of the trademark has substantial similarities with the trademark "Safecare" owned by the Defendant in the same goods class. Defendant's trademark has been registered under the registration number 545 680, dated August 4, 2003 and was extended on November 15, 2011.

(Bisnis Indonesia, 3 January 2014)

<Indonesia> Donald J. Trump Sues Local Entrepreneurs

Donald J. Trump (Plaintiff) in dispute with local businessmen Robin Wibowo (Defendants) in the Commercial Court at the Central Jakarta District Court related to the brand name "Trumps" because the brand "Trump" is a name and brand which is famous. Plaintiff discovered that Defendant had registered the trademark "Trumps" in goods class 25 under number IDM000351401. Plaintiff's states that the brand "Trump" is a name and brand which is famous. Defendants denied and declared that the word "Trump" is a word that is general and not the result of imagination, because there is in the English dictionary a meaning for "truf". Defendants have also included a list of 12 brands that use the word "Trump" that has been registered with the Directorate General of Intellectual Property Rights in different classes,

it shows the trademark name "Trump" cannot be monopolized.

(Bisnis Indonesia, 8 January 2014)

<Indonesia> Taiwanese company sues Gerak Puncak

Taiwanese manufacturer of computer equipment Thermaltake Technology Co., Ltd. (Plaintiff) sues PT. Gerak Puncak Lancar (Defendant) related to the trademark "Thermaltake" in the Commercial Court at the Central Jakarta District Court. The Plaintiff claimed that the trademark "Thermaltake" is a famous trademark and has been registered in several countries in the world. Plaintiff objected to the registration of the trademark made by the Defendant, because it has substantial similarities with the trademark of the Plaintiff, and it created the impression to the public that as if the trademark "Thermaltake" is owned by the Defendant and it also filed with having bad faith.

(Bisnis Indonesia, 10 January 2014)

<Indonesia> Entrepreneurs Ask For Cassation

Local entrepreneur Sujadi Joandi (Applicant Appeal / Defendant) will file a cassation after the Commercial Court at the Central Jakarta District Court decided in favor of Kabushiki Kaisha Yoshimura Japan (Cassation Respondent / The Plaintiff) regarding the trademark "Yoshimura". The Panel of Judges declared that of the Plaintiff trademark is a famous brand and trademark of the Defendant which already has been registered with the Directorate General of Intellectual Property Rights has similarities with the trademark substantial of the Plaintiff, of the Defendant so that is considered to have a the trademark registration bad faith. In addition, of a famous trademark recognition on evidence is based of investment in various countries. The similarity of writing of the word "Yoshimura" between the trademark of the Plaintiff and the Defendant shows substantial similarity between the

trademarks despite the difference in logo of both the trademarks.
(Bisnis Indonesia, 13 January 2014)

<Indonesia> Toyota Wins Again

Toyota Jidosha Kabushiki Kaisha (Toyota Motor Corporation) (Plaintiff) wins again in the trademark dispute "Lexus" against PT. Lexus Daya Utama (Defendants) after the Commercial Court at the Central Jakarta District Court decides in favor of the Japanese automotive company. The Panel of Judges stated that the trademark owned by Defendant has substantial similarities with the trademark of the Plaintiff and Defendant had bad faith in registering the trademark in the Directorate General of Intellectual Property Rights, because the trademark "Lexus" owned by the Plaintiff is a famous trademark and has invested in various countries. The trademark owned by the Defendant is considered to give the impression as if it came from the Plaintiff and may confuse consumers. The panel of judges added that because the Plaintiff's trademark is a famous trademark, the lawsuit for cancellation of trademark can be filed without a time limit.
(Bisnis Indonesia, 16 January 2014)

<Indonesia> Malaysian Company Sues Local Entrepreneurs

Niro Ceramic Sdn Bhd (Plaintiff), Malaysian company sued the registration of the trademark "Zirconio" owned by Joseph Tanuwidjaja (Defendant) in the Commercial Court at the Central Jakarta District Court. Plaintiff states as a company that manufactures and markets tiles products throughout the world, one of which is a granite tile trademark "Zirconio". The products are printed in Spanish. Plaintiff claimed that the trademark "Zirconio" is included in class 19, which protects the goods type of granite tiles.
(Bisnis Indonesia, 17 January 2014)

<Indonesia> Wavin Local Entrepreneur Wins Fight

Wavin BV (Appeal Respondent / the Plaintiff), a Dutch pipe manufacturer again won the case regarding the trademark "Duravin" after the Supreme Court rejected an appeal filed by a local businessman Halim Jamin (Cassation Applicant / Defendant). This case began when the Plaintiff sued the registration of the trademark "Duravin" owned by the Defendant because it is considered to have substantial similarities with the trademark of the Plaintiff and filed with having bad faith. The lawsuit was registered in the Commercial Court at

Central Jakarta District Court with case number 13/Pdt.Sus/Merek/2013/PN.Niaga.Jkt.Pst. Plaintiff claimed that the name "Wavin" is part of the name of the legal entity of the Plaintiff, that is Wavin BV, and claims to be the first users of the trademark "Wavin" in the world.
(Bisnis Indonesia, 20 January 2014)

<Indonesia> Supreme Court Rejects Cassation Directorate Trademark

The Supreme Court rejected the petition the cassation filed by the Directorate General of Intellectual Property Rights the Directorate Trademark (Applicant Cassation II / Defendant II) related to the case of the trademark "Tiga Kaki Cap" owned Wen Ken Drug Pte. (Applicant Cassation I / Defendant I). At the time of appeal, the Applicant Cassation questioned the legal standing of Russell Vince (Cassation Respondent / Plaintiff) which involves citizens of the Isle of Man, but the reason was rejected by the Supreme Court. This case began when Russell Vince (Plaintiff) who is a British citizen requested that the Commercial Court at the Central Jakarta District Court cancels 49 certificates of the trademark "Tiga Kaki Cap" owned Wen Ken Drug (Defendant) and taking them out of the General Register, because the Defendant has without permission used of the symbol of the Isle of Man as a the trademark for "Cap Kaki Tiga". Plaintiff also asks the judge to order the Defendant to stop the production, distribution, and promotion, as well as recall above mentioned products.
(Bisnis Indonesia, 22 January 2014)

<Indonesia> Local Entrepreneur Wins

Local entrepreneur Sherly Nyolanda (Defendant) wins trademark dispute "Bodycology" against Advanced Beauty Systems Inc. (Plaintiff), after the Commercial court at Jakarta District Court rejects the trademark lawsuit filed by the Plaintiff. Plaintiff has failed to prove that the trademark "Bodycology" is a well-known trademark. The dispute regarding the trademark "Bodycology" began when the Plaintiff claimed to have applied for trademark registration to the Directorate General of Intellectual Property Rights on April 16, 2011 with class D002011013471 agenda item number 3, however the Defendant turns out to have registered the same brand in the same class of goods and has been issued a trademark certificate with number IDM000289450.
(Bisnis Indonesia, 23 January 2014)

<Indonesia> Toyota Wins Again

Toyota Jidosha Kabushiki Kaisha (Toyota Motor Corporation) (Plaintiff) again wins trademark dispute "Lexus" against local businessman Lie Sugiarto (Defendants) in the Commercial Court in the Central District Court Jakarta. The panel of judges declared the trademark "Lexus" which is registered with the number IDM000354703 in the class of goods 09 owned by the Defendant having substantial similarities to that of the Plaintiff, the trademark "Lexus" owned by the Plaintiff is a well-known brand, therefore Defendant's registration of the mark "Lexus" is done with bad faith both because of piggybacking on the fame of the trademark of the Plaintiff and because it causes confusion in the public. (Bisnis Indonesia, 24 January 2014)

<Indonesia> Toraja Coffee Receives IPR Certificate

Toraja Arabica coffee finally obtained a geographical indication certificate after passing the examination process in the Directorate General of Intellectual Property. According Saky Septiono (Section Head of Formalities Examination Geographical Indication), Toraja coffee is one of the commodities of Arabica coffee from the Toraja seed. Toraja coffee is already well known since the Dutch colonial period. Toraja Coffee is very well known abroad, especially in the Japanese market. Even a company in Japan, Key Coffee already registered as a trademark Toraja coffee, related with this case it is necessary to take legal action for cancelation of the registration of the Toraja coffee trademarks in Japan. According Saky, Japan only recognizes wine and spirits for the protection of geographical indications, beyond those products, Japan does not recognize it. This makes it problematic on how to cancel the registration of the trademark Toraja coffee in Japan. (Bisnis Indonesia, 27 January 2014)

<Indonesia> TCF and Local Entrepreneurs Clashed Again

Trademark dispute between TCF Co., LLC (Plaintiff) a U.S. based company with local entrepreneur De Silva U Chandra Sri Lal (Defendant) resumed at the Commercial Court at the Central Jakarta District Court. After two

years ago the Defendant won the lawsuit of elimination of the two trademarks owned by the Plaintiff in Indonesia, currently the U.S. company is suing De Silva. Plaintiff considers Defendant's trademark registration was based on bad faith, and claims that the trademark "The Cheesecake Factory" owned by the Plaintiff is a well-known brand. Defendant also stated the filed lawsuit has already expired (more than 5 years) based on Article 69 paragraph (1) of Law No. 15 of 2001 on Trademarks. Plaintiff is also considered to have no legal standing, because Plaintiff is considered to have no registration of the trademark in Indonesia, referring to the elimination of the two trademarks based on the Decision of the Commercial Court Central Jakarta District Court dated 3 April 2013. In the deletion of the trademark dispute, Defendant states that Plaintiff never used the trademark for 3 years in a row since its registration. For that decision, the Plaintiff has filed an appeal, but until now the Supreme Court did not make a decision. (Bisnis Indonesia, 27 January 2014)

<Indonesia> Unika Atma Jaya Faces Lawsuit of Trademark Infringement

Yon Nofiar (plaintiff) owner of a registered mark "CHRP" (Certified Human Resource Management) with registration no. IDM 000174842 (class 41) submitted a lawsuit to the court against Unika Atma Jaya (defendant). The plaintiff stated that Unika Atmajaya is using his registered trademark with bad faith by using the "CHRP" trademark name for their training programs. (Bisnis Indonesia, 3 February 2014)

<Indonesia> Abdul Alex Won Against Merry (Kopitiam Case)

Commercial Court of Central Jakarta, refused the lawsuit of Merry Suhenny (owner of trademark "QQ Kopitiam") in related to the dispute against Abdul Alex Soelistyo (owner of trademark "Kopitiam"). Judges said that "Kopitiam" trademark is not a generic words, thus it can be registered. The judges also opined that the trademark "Kopitiam" was filed with good faith. (Bisnis Indonesia, 4 February 2014)

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