

インドネシア知財ニュース

IP News in Indonesia

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<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 (Cessation 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> The trial verdict Brand Clear Postponed

The trial verdict about the trademark "Clear" between Philip Morris Brand Sari (Plaintiff) and Japan Tobacco Inc. (Defendant) in the Commercial Court at the Central Jakarta District Court has been delayed again. Supposedly the trademark dispute was terminated Tuesday, January 21, 2013, but was postponed until Tuesday, February 28, 2013. The case has been postponed several times since December 2013.

Plaintiff is a subsidiary of tobacco giant Philip Morris International Inc., they asked the court to cancel the trademark "Clear" owned by the Defendant. Before filing a lawsuit, the Plaintiff had earlier registered the trademark "Cleartaste" to the Directorate General of Intellectual Property Rights on March 12, 2012.

(Bisnis Indonesia, 22 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> Case Trademark Law SUOMY

The Italian helmet manufacturer, Suomy Spa (Plaintiff) re-filed a lawsuit against a local businessman Arifin Daniel (Defendant) related to disputes regarding the trademark "Suomy". case is based on the objection of the Plaintiff to the registration of the trademark "Suomy" by the Defendant, because the Plaintiff claims it is the only legal owner of trademark "Suomy". In the previous lawsuit, the Plaintiff had made improvements to the lawsuit, because the Defendant's objection to repair the suit, the judge rejected the and the Plaintiff repealed the lawsuit. In the first lawsuit, the trademark "Suomy" owned by the Defendant declared registered with number IDM000093394 in goods class 9, when in fact the Defendant's trademark is registered with number IDM000381632 in goods class 9.
(Bisnis Indonesia, 23 January 2014)

<Indonesia> U.S. Company Presents Expert Witness

Dispute about the trademark "dBX" between Harman International Industries Inc. (Plaintiff) from the U.S. and local businessmen Djohan Lili (Defendant), again continued with the testimony in the court hearing of the expert witness (Henry Sulistyو Budi) presented by the Plaintiff. In the hearing, an expert witness testified that

there are substantially or entirely similarities that can be seen from the similarity in the writing and pronunciation, choice of font used, shape, placement method, and the same pronunciation, similarities in the writing can be seen from the writing of uppercase and lowercase letters. In Indonesia, the Plaintiff has applied for registration of the trademark "dbx" on November 7, 2007 in goods class 9, with the number D00200736612. But it turned out that there was already a registered trademark "dBX" on behalf of the Defendant under IDM000210670 number of goods in class 9. Defendant denied in its answer and stated Plaintiff's lawsuit is vague because the Plaintiff did not mention clearly the type of goods of the trademark "dBX" for which it requested cancellation. According to Defendants both brands are not similar despite being in the same class, trademark "dBX" owned by the Defendant was in class 9 which protects the sound system for the car, Dolby surround, speakers, speaker / audio for the car, box loudspeaker, and loudspeaker.
(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 substantially 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> 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> 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> Andreas Stihl Wins Dispute Local Entrepreneur

The efforts of local entrepreneurs He Sok Khui (Applicant Appeal / Defendant) for obtain again the trademark for chainsaw "STL" is not successful, after the Supreme Court rejected the petition in Cassation which is filed against German company Andreas Stihl AG & Company (Respondent Cassation / Plaintiff). Dispute trademark "STL" began when Plaintiff assessed Defendant has made huge profits on their trademark. Defendant has registered trademark "STL" under number IDM000294755 on September 2, 2008 at the Directorate General of Intellectual Property. The company of the Plaintiff was founded in 1926 in Waiblingen, Germany and claims the Defendant registered the trademark in bad faith, without rights and without Plaintiff's permission.
(Bisnis Indonesia, 29 January 2014)

<Indonesia> Toyota Again Sues Local Entrepreneurs

Toyota Jidosha Kabushiki Kaisha (Toyota Motor Corporation) (Plaintiff) again sues Indonesian entrepreneur related to trademark "Lexus". This time Plaintiff sued Welly Karlan (the Defendant) from Sidoarjo in the Commercial Court Central Jakarta District Court. The Defendant is the owner of trademark "Prolexus" which is registered with the number IDM000249048 in goods class 25, and trademark of the Defendant has substantial similarities with the trademark "Lexus" owned by the Plaintiff. It is feared that these substantial similarities could give the public the impression that the Defendant's trademark is coming from Toyota and it was filed with having bad faith.
(Bisnis Indonesia, 29 January 2014)

* 今号につきましては、記事編集の都合により第 18 号(3 月 25 日発行)より古い内容が一部掲載されております。
