

インドネシア知財ニュース

IP News in Indonesia

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<Indonesia> Unika Atma Jaya Faces Lawsuit of Trademark Infringement

Yon Nofiar (plaintiff) owner of registered mark of “CHRP” (Certified Human Resource Management) with IDM 000174842 (class 41) submit a lawsuit to the court against Unika Atma Jaya (defendant). Plaintiff states that Unika Atmajaya had a bad faith using the “CHRP” trademark name for their training program.
(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)

<Indonesia> 2 Local Entrepreneurs Competing over Kopitiam Trademark

Phiko Leo Putra (plaintiff, owner of trademark “Lau’s Kopitiam”) submitted a cancelation lawsuit of trademark “Kopitiam” to the Commercial Court of Central Jakarta but this time against different party which is Abdul Alex Soelistyo (defendant, owner of trademark “Kopitiam”). The plaintiff stated that the trademark “Kopitiam” uses generic word that can not be registered because it does not comply TRIPs (The Agreement on Trade Related Aspects of Intellectual Property Rights).
(Bisnis Indonesia, 7 February 2014)

<Indonesia> “Adidas” Sued “Under Armour” over Patent on Sportswear

Adidas AG sue Under Armour because they are producing products that infringe Adidas’ patent. Adidas owns a patent right on a technology regarding movable device application which can detect heartbeat, burned calories, and other information when the user exercises. Under Armour produce a series of product named Armour39 which includes watches and its supporting application and other movable devices.
(Bisnis Indonesia, 7 February 2014)

<Indonesia> Local Company Loses Against Foreign Company

The Supreme Court refused cassation of Emil Gunawan for trademark cases No. IDM000157276 (class 7), IDM000182245 (class 8) and IDM000329110 (class 8) against Husqvarna Aktiebolag (a Sweden company) regarding McCulloch trademark. Husqvarna stated that Emil’s trademarks have similarities with their trademarks and they were filed with having bad faith.
(Bisnis Indonesia, 11 February 2014)

<Indonesia> Sony Sued A Local Company Regarding Vaio Trademark

Sony Kabushiki Kaisha (plaintiff), also known as Sony Corporation, filed a cancellation request against Vaio Trademark which was filed under the name of Susanti (defendant, resident of Jakarta). Plaintiff said that defendant has filed this trademark without any permission from them. Sony claimed that they are the only sole owner of Vaio trademark.
(Bisnis Indonesia, 11 February 2014)

<Indonesia> Philip Morris lost a trademark Lawsuit in the Court

Phillip Morris Brand Sarl (plaintiff) failed to obtain “Clear” trademark from Japan Tobacco Inc. (defendant). The panel of judges at the Commercial Court stated that the lawsuit regarding trademark cancellation which was filed by plaintiff is unacceptable, because the delegation of power to represent the plaintiff’s company is unacceptable for it contradicts the provision of the company’s statute/household budget.
(Bisnis Indonesia, 12 February 2014)

<Indonesia> Abdul Alex Proposed a Counterclaim (Kopitiam Case)

Abdul Alex Soeliesty (owner of Kopitiam trademark) proposed a counterclaim against Phiko Leo Putra (owner of Lau’s Kopitiam trademark) and asked for a compensation in an amount of Rp. 8,68 billion. Abdul Alex said that Lau’s Kopitiam trademark has caused an unhealthy business competition and public will get confused and think that these two trademarks have a business connection one to another.
(Bisnis Indonesia, 20 February 2014)

<Indonesia> Phillip Morris Filed a Cassation

Phillip Morris Product S.A filed a cassation at the Commercial Court of Central Jakarta against the decision of Trademark Appeal Commission regarding the refusal of “Sense” trademark. Philip Morris had previously filed a cigarette trademark “Marlboro Sense” to the DGIPR on 4 June 2008 but it was later refused by DGIPR with the reason that there has been a “Sense” trademark which had been filed earlier belonging to Djoemaidi Oetomo (registration No. 561026).
(Bisnis Indonesia, 21 February 2014)

<Indonesia> A Local Entrepreneur files A Cassation against BMW

Henrywo Yuwijoyo Wong (a local entrepreneur, owner of “Body Man Wear” trademark) files a cassation to the Supreme Court after the Commercial Court of Central Jakarta stated that he have to stop using his own trademark related disputed of Germany automotive company “BMW”. Previously, Bayerische Motoren Werke Aktiengesellschaft (BMW, plaintiff) file a request of trademark cancelation of “Body Man Wear” because it was filed with having bad faith and the trademark has similarity owned by the plaintiff.
(Bisnis Indonesia, 24 February 2013)

<Indonesia> GS Cassation against Local Entrepreneur

GS Yuasa Corporation (plaintiff) filed a cassation in response to the Commercial Court result which is stated that their lawsuit to the local entrepreneur Lusy Darmawati Waluyo (defendant, owner of “Gold Shine” trademark) is unacceptable. This case begun when the plaintiff asked Directorate General of Intellectual Property to cancel registration of “Gold Shine” trademark and logo (IDM000131477-class 9), because the trademark has similarity with trademark owned by GS Yuasa Corporation (plaintiff) and because it was filed with having bad faith.
(Bisnis Indonesia, 25 February 2014)

<Indonesia> Donald J. Trump Wins

Commercial Court of Central Jakarta agrees to cancel trademark “Trumps” in the name of Robin Wibowo (local entrepreneur, defendant) because it has similarity with well-known name person mark owned by Donald Trump (plaintiff). Plaintiff already registered their trademark in Indonesia which is “Trump” No. IDM000275364 and “Donald Trump” trademark No. IDM000355706.
(Bisnis Indonesia, 26 February 2014)

<Indonesia> Sana Trademark

Commercial Court of Central Jakarta agrees to delete trademark “Sana” in the name of PT. Ambala Mas (defendant), because the trademarks has not used for three years consecutively and the defendant products never been registered to Ministry of Health and BPOM (Food and Drug Supervisory Bureau). The lawsuit is filed by Kabushiki Kaisha Noveir (plaintiff- a Japanese company).
(Bisnis Indonesia, 26 February 2014)

<Indonesia> Tommy Opposition Rejected

The Commercial Court of Central Jakarta refused opposition lawsuit of Tommy Sulisty (owner of “BMCampus” and “MMCampus” trademark) against Teguh Handjoyo regarding “Campus” trademark. Previously, Tommy files an opposition to the Commercial Court of central Jakarta regarding the cancelation of the both trademark.
(Bisnis Indonesia, 3 March 2014)

<Indonesia> Atma Jaya files a Reconvention

Atma Jaya Catholic Indonesia University (defendant) files a reconvention against Yon Nofiar (plaintiff)

regarding “CHRP” trademark in the Commercial Court of Central Jakarta. Defendant asks to the court to cancel registration of plaintiff trademark. Defendant stated that they do not infringe plaintiff trademark because they have been conducting training with using “CHRP” mark since 2006. Meanwhile, the plaintiff was filing the trademark on 2008.

(Bisnis Indonesia, 5 March 2014)

<Indonesia> Nidia Prima Sued Back

Itha Taher (defendant, owner of “OSO” trademark) with No IDM000381548 class 32 sued back and asked for compensation in amount Rp. 14,25 billion to PT. Nidia Prima (plaintiff, owner of “OSONOUVEAU”). Defendant stated that the plaintiff trademark was filed with having bad faith, and using SNI (Indonesian National Standard), and also registration Number from BPOM (Supervisor of Drugs and Food Bureau) of defendant. Previously PT. Nidia Prima (part of OSO Group owned by Oesman Sapta Odang) filed a request to cancel defendant trademark because using their name of the owner.

(Bisnis Indonesia, 7 March 2014)

<Indonesia> Counterclaim of Atma Jaya is expired

Counterclaim of Atma Jaya against Yon Nofiar regarding of CHRP trademark was considered to be expired because CHRP trademark already registered for about 6 years. According to the Article 69 item 1 of Laws No. 15 Year 2001 regarding Mark, lawsuit cancelation only can be filed in 5 years from the registration date. CHRP trademark has already registered since 26 August 2008 with IDM0000174842.

(Bisnis Indonesia, 12 March 2014)

<Indonesia> Harman Wins against Djohan

Harman International Industries Incorporated (US Company, plaintiff) which produce audio device and amplifier speaker, wins against Djohan Lili (a local entrepreneur, defendant) regarding “dBX” trademark. Judges of Commercial Court of Central Jakarta stated that the defendant having a bad faith when filling the “dBX” trademark.

(Bisnis Indonesia, 13 March 2014)

<Indonesia> Toyota Wins against Domestic Entrepreneur

Toyota Jidosha Kabushiki Kaisha (Toyota Motor Company, plaintiff) wins against Heru Santoso (domestic entrepreneur, defendant) regarding trademark dispute of “Lexus” and L logo. Toyota claims as the only especially holder of “Lexus” trademark in Indonesia and also in the world. Judges of the Commercial Court of Central Jakarta perform the request of the plaintiff to cancel the entire defendant trademark.

(Bisnis Indonesia, 14 March 2014)

<Indonesia> Subway Trademark

Doctor’s Associate Inc. (plaintiff) sued Yohanes Wendy Tjioe (defendant) to the Commercial Court of Central Jakarta regarding “Subway” trademark. Plaintiff claims as a company from USA and owner of the one and only of “Subway” trademark which is already well known in the whole world. This trademark already registered in Indonesia in 3 classes, IDM000368823 (class 30), IDM000368814 (class 32), IDM000281385 (class 43).

(Bisnis Indonesia, 14 March 2014)

<Indonesia> SMEs (UMKM) is being encouraged to File Intellectual Properties

SMEs in Sleman regency, Yogyakarta, is being encouraged to register its products in order to obtain certificate of intellectual property rights. Regional Secretary of Sleman regency, Mr. Sumartono, said that by applying for intellectual property rights, products created by the society will have legal power and that it is very important for the creative economy which is full of tight competitions.

He also stated that IP registration is a way to protect intellectual properties by using legal instruments which cover Copyrights, Patents, Trademarks, Geographical Indications, Trade Secrets, Industrial Designs, Layout Designs of Integrated Circuits, dan Plant Variety Protection. He also mentioned that most of the people in his area are still unaware about the importance of IPR for their creative products or research results.

(Bisnis Indonesia, 20 March 2014)
