

インドネシア知財ニュース

IP News in Indonesia

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<Indonesia> *Cedance Sue Back CRC*

PT. Cedance Indonesia (owner of C&C trademark) sue back against CRC Industries Inc. PT Cedance file for cancellation request of the 4 certificates trademarks belong to CRC Industries, Inc (IDM00029950; IDM000263826; IDM000243428; and IDM000263825) and also make DGIPR as a defendant. This lawsuit No 61/Pdt.Sus-Merek/2014/PN Niaga.Jkt.Pst was filed on 2 October 2014.

(Bisnis Indonesia, 16 January 2015)

<Indonesia> *LMKN will collaborate with Directorate General of Taxes*

National collective management institutions (LMKN; Lembaga Manajemen Kolektif Nasional) will collaborate with the Directorate General of Taxes as one of a way to collect royalties from users of copyright.

LMKN began operations with the inauguration of 10 commissioners and will begin overseeing the collection of royalties' copyrighted start from April 2015.

This agency would oversee the collective management organizations (LMK; Lembaga Manajemen Kolektif) that already exists which aims to collect royalties from the use of the song or music. Through this institution, is expected to provide benefits in establishing systems and procedures for calculating royalty payments and also providing economic rights of creators and owners of related rights.

(Bisnis Indonesia, 21 January 2015)

<Indonesia> *Trademark Imitators Punished Rp. 2, 5 Billion (Nakamichi Case)*

The trademark imitators of NAKAMICHI is punishable in amount of Rp 2.5 billion after the panel of Commercial Court of Central Jakarta granted part of compensation of Andy Najarudin as the owner. Presiding judge said that the defendants which are consisting of Harry Sucipto, PT.

Sipatek Putri Lestari, Dhanny S. Suwaji (owner of CV Pansurya), and Handoko (owner of Moro Seneng store) has been convicted of imitates of defendant mark and has been proven to do the production, distribution and marketing NAKAMICHI trademark.

(Bisnis Indonesia, 2 February 2015)

<Indonesia> *2 Commissioner Led LMKN*

National collective management institutions (LMKN; Lembaga Manajemen Kolektif Nasional) has officially inaugurated its chairman the two musicians Rhoma Irama and Samsudin Dajar Hardjakusumah (Sam Bimbo). Both elected through prime commissioners' meetings held on Wednesday, 28 January 2015. Rhoma will supervise LMKN to the field of copyright, while Sam was appointed as head LMKN related rights field. This agency would oversee the collective management organizations (LMK; Lembaga Manajemen Kolektif) that already exists which aims to collect royalties from the use of the song or music.

(Bisnis Indonesia, 3 February 2015)

<Indonesia> *Bali Tribun Failed to Cancel Tribun Bali Trademark (Mark Dispute)*

PT Media Nusantara Gemilang (plaintiff) owner of Bali Tribun failed (again) to cancel Tribun Bali trademark because of legal standing of the plaintiff. The judges stated that the lawsuit which was filed by the plaintiff and represented by the chairman of Bali Tribune unacceptable because based on Law No. 40/1999 regarding press, publishing businesses must have the legal form of a limited liability company. And under the Law 40/2007 on the limited liability company, the right to represent the company in and outside the court is a director not the commissioner. In response to this decision, plaintiff will file a cassation or filing a new lawsuit.

(Bisnis Indonesia, 4 February 2015)

<Indonesia> Mintarsih Arguing about Blue Bird Trademark

Mintarsih Abdul Latief claimed that she have created the brand and logo of Blue Bird since 1972 or at the time of establishing of PT. Blue Bird and assume that PT. Blue Bird has used the logo without her permission. Previously, Mintarsih was lost in a case against the law in Commercial Court of South Jakarta together with Dudung and have to pay compensation in amounting of Rp. 140 billion to the Blue Bird.
(Bisnis Indonesia, Bisnis, 5 February 2015)

<Indonesia> Mintarsih is Ready to Open Peace

Mintarsih Abdul Latief offers reconciliation against the defendants (Purnomo Prawiro Director of PT Blue Bird Tbk; Krishna Director of Heritage Image Djokosoetono; Noni Aryati Sri Purnomo Director Blu Bird Group Holding; PT. Blue Bird TBL; PT. Heritage Image Djokosoetono and Blue Bird Group Holding) related to the lawsuit abuse of blue bird logo and brand Blue bird. Plaintiffs asked the judges to cancel and declare void all blue bird logo and brand Blue Bird with registration number IDM000002098 and IDM000126131 in the applicant's name Iron Bird, registration number IDM000003077 and IDM000003088 in the applicant's name PT Pusaka Citra Djokosoetono, registration number IDM000098333; IDM000098331; IDM000098332; IDM000154576 and IDM000098330 in the applicant's name PT. Blue Bird.
(Bisnis Indonesia, 12 February 2015)

<Indonesia> Djarum: Filing to DGIPR since 2009 (Autoblackthrough trademark dispute)

PT Djarum (defendant) claimed to be a legal owner of the brand Djarum Autoblackthrough which is being sued by Adhi Soebekti and Lie Reza H. Aliwarga (plaintiff) because it has similar in principle with the trademark owned by the plaintiff. Plaintiff trademark was registered with number IDM00219729 class 35 in 2009, meanwhile the defendant trademark was registered with number IDM00293907 class 41 in 2011. In this case, the plaintiff also makes DGIPR as a defendant.
(Bisnis Indonesia, 20 February 2015)

<Indonesia> Cedance Strengthen the Argument of Lawsuit

PT. Cedance Indonesia strengthens the argument of a lawsuit of cancelation trademark of PT. CRC Industries Inc legal entity by presenting expert witnesses. Expert

witness testimony is required to provide information about the cancellation of a mark that resembles the name of a legal entity that is owned by another party (article 6 item 3a of Trademark Law No. 25/2001).
(Bisnis Indonesia, 25 February 2015)

<Indonesia> Mintarsih Never Claimed as a Creator

Mintarsih A. Latief (plaintiff) stated that she never claimed as a creator or create trademark of Blue Bird and its logos. In her clarification letter, she is denial the news in Bisnis Indonesia on the last 5 February 2015 which was stated that she is the creator of the said trademark. The plaintiff asked the judges to cancel and declare void of Blue Bird logo an Blue Bird trademark, among others, the registration number IDM000126131 and IDM000002098 in the name of applicant is Iron Bird, IDM000003077 and IDM000003088 in the name of applicant is PT Pusaka Citra Djokosoetono.
(Bisnis Indonesia, 26 February 2015)

<Indonesia> Level of Oil Counterfeiting Exceed Software

The findings of Indonesian society Anti-Counterfeiting or Masyarakat Indonesia Anti Pemalsuan (MIAP) indicates that the counterfeiting level of lubricant or oil higher and could surpass software counterfeiting. MIAP with the Jakarta Metropolitan Police has cracked 10 points circulation of oil counterfeit. Police asked the producers to report counterfeit products, because this case copyright infringement offense included in the complaint is not ordinary offense. According to a survey MIAP and faculty of economics, University of Indonesia, the potential for economic losses due to counterfeiting is increasing. The current director general of the directorate investigation of Intellectual Property Rights has filed a bill that brand being debated in Parliament. In the brand new law later, expected a tougher sanctions for producers.
(Bisnis Indonesia, 26 February 2015)

<Indonesia> KOI wins Trademark Dispute against KONI

KOI (plaintiff, as a representative of the International Olympic Committee (IOC)) wins a trademark dispute against KONI (defendant) related to the Olympic Logo (symbol of five interlocked rings) which has been shown to have similar in principle with the logo belonging to the IOC. Olympics logo has been adopted by the IOC since 1914 and can be categorized as a famous brand. Several of trademark certificate were crossed out as follow; Citius Altius Fortius Olympic + Logo with No. IDM000112509

(class 16); IDM000112504 (class 18); IDM000112508 (class 18); IDM000245367 (class 24); IDM000112507 (class 24) and IDM000112505 (class 25). (Bisnis Indonesia, 6 March 2015)

<Indonesia> GS Yuasa won in the Supreme Court

GS Yuasa Corporation (plaintiff, a Japan Company) wins the trademark case against Yudhi Tanto (defendant, owner of Garuda Sakti battery) in the cassation stage on Supreme Court. This case is about the cancellation of Garuda Sakti trademark (No. IDM000026703; IDM000174207; IDM000174208; IDM000174209 and IDM000174210) owned by the defendant that the logo is considered to have similar in principle with the plaintiff's trademark.

GS Yuasa (plaintiff) also wins the trademark case against PT. Gramitrama Battery Indonesia (defendant, owner of GISI trademark) in the reconsideration stage. GISI brands considered plagiarized and imitated brand GS Yuasa which had first appeared. Added with vague prints of the letter "I" in writing of GISI brand. (Bisnis Indonesia, 10 March 2015)

<Indonesia> Pierre Cardin Sues a Local Entrepreneur

Pierre Cardin (plaintiff, a world designer from France) file a cancellation request in related to the registration trademark and logo owned by Alexander Satryo Wibowo (defendant), because it have similar in principle with the trademark owned by the plaintiff and was filed with having the bad faith. The plaintiff asks to the Commercial Court of Central Jakarta to cancel Pierre Cardin logo and trademark owned by the defendant with registration No. IDM000223196; IDM000234122; IDM000028783; IDM000199948. Moreover, the plaintiff also asked some of the brand stricken from the general list of marks. (Bisnis Indonesia, 19 March 2015)

<Indonesia> PT. Fortune Star Global Sue DGIPR

Bambang Tri Waluyo (a director of PT Fortune Star Global (FSG)) filed unlawful against DGIPR. This case registered with No. 170/PDT.G/2015/PN.JKT.SEL in the Distric Court of South Jakarta. Plaintiff felt aggrieved over the investigations conducted by DGIPR based on reports from PT. Fortune Star Indonesia (FSI, defendant) who accused the plaintiff sells branded health mattress Cursonic illegally because they do not have the right of trademark. In fact the plaintiff who has a partnership agreement with the distributor of Apollo Medical

Instruments Co., LTd. (a Japanese company, health mattress manufacturers and brand owners). Through the lawsuit, the plaintiff considers that DGIPR does not have the authority to conduct the investigation, because a dispute between the plaintiff and the defendant should be resolved in the civil, not in the domain of criminal. Beside that the Apollo also files a request to cancel a Curesonic certificate for health mattress owned by defendant to the Commercial Court of Central Jakarta. (Bisnis Indonesia, 20 March 2015)

<Indonesia> Scholastic Asks for Cancellation of Certificate

Scholastic Inc., (plaintiff, a US company) owner of Scholastic trademark (No. IDM000202459, registered since 20 April 2009) sued a local trademark certificate owned by Choi Sin Yun (defendant) in the same class (class 41; education service, information of education and lecturer) because have similarity in common. The defendant trademark with No. IDM000345917 was registered on 17 January 2012 can be judged ride the fame trademark owned by the plaintiff and will give the impression to the public as if it same with the plaintiff trademark. (Bisnis Indonesia, 20 March 2015)

<Indonesia> PT. Fortune Star Indonesia (FSI) said: Agreement is not a Reason to Cancel the Certificate

PT. Fortune Star Indonesia (FSI, defendant) claimed that their agreement to the Appolo Medical Instrument Co. (health mattress manufacturer and owner of Curesonic mark) can not be a reason to cancel Curesonic certificate which have been registered in DGIPR office. The defendant file the said trademark in Indonesia, meanwhile Apollo is the trademark holder in Japan (No. 21500BZZ00061000 and notification letter No.27BZ1141 on 1 September 2000 from the JPO). According to the plaintiff statement, the agreement was ended by Apollo because the defendant did not pay the debt of products in amount for 10 billion. (Bisnis Indonesia, 23 March 2015)

<Indonesia> The plaintiff of the Djarum Case Strengthen the Argument of the Lawsuit

Adhi Soebekti and Lie Reza H. Aliwarga (plaintiff) strengthen the argument of the lawsuit in regard to the cancellation trademark case of Djarum Autoblackthrough belong to PT. Djarum by submitting 121 proofs. Hundreds of the proofs are consisting of trademark

certificate of Autoblack Through which has been registered by DGIPR since 2008.
(Bisnis Indonesia, Bisnis, 24 March 2015)

<Indonesia> Directorate General of IPR denies allegations of PT. FSG (Fortune Star Global)

DGIPR denies allegations of PT. FSG (Fortune Star Global) in regard to the investigation of infringement of the Curesonic trademark belong to the PT. FSI (Fortune Star Indonesia). DGIPR said that the investigation process already according to the procedure of law enforcement conducted by investigators of DGIPR (Civil who has investigative authority).
(Bisnis Indonesia, 25 March 2015)

<Indonesia> Chinese People Sue Dong A Pencil

Wang Jinxi (a Chinese citizen, plaintiff) file a cancellation request of the registration of industrial designs NO. ID0023602-ID owned by Dong A Pencil Co., Ltd (from South Korea, defendant) and also make Directorate of Copyright, Industrial Design, Layout design of Integrated Circuits and Trade secrets as a co-defendant. Defendant industry design was claimed lack of novelty and has several similarities with the plaintiff design industry.
(Bisnis Indonesia, 26 March 2015)

<Indonesia> Cendance Prepare a Cassation

PT. Cendance Indonesia (plaintiff) will file a cassation to a Suprema Court after failed to cancel trademark owned by CRC Industries (defendant). Chief Judge stated that the CRC trademark owned by defendant is not shown to have similarities to the subject as well as a whole with the name of the plaintiff legal entity. Thus, there are no harmed consumers of both brands.
(Bisnis Indonesia, 2 April 2015)

<Indonesia> Appolo Medical Beat PT. FSI

Apollo Medical Instrument Co., Ltd. (plaintiff) beat a local company, PT. Fortune Star Indonesia (FSI, defendant) regarding “Curesonic” trademark dispute at Commercial Court of Central Jakarta. Judges stated that the plaintiff can proved that registration of Curesonic mark by the defendant was file with having bad faith through the cooperation agreement. The defendant assessed had registered the trademark without plaintiff

permission. In response to this, the defendant will file a cassation to the Supreme Court.
(Bisnis Indonesia, 9 April 2015)

<Indonesia> Wang Jinxi Ask for Continued the Examination

Plaintiff’s attorney (Wang Jinxi) asked the panel to consider to continue the proceedings even without attended by the defendant (Dong a Pencil Co., Ltd). As for this case regarding the lawsuit industrial design registration pen belonging to the defendant from South Korea filed by the plaintiff from China.
(Bisnis Indonesia, 24 April 2015)

<Indonesia> Patents Right Restrict Public Access

Patents rights cause drug prices to be expensive and difficult to access by many patients. In Indonesia, the patent rights makes drug prices can be 10-45 times more expensive than generic versions. Granting of patents until 20 years, and rules on trade-related intellectual property rights (TRIPs) impact on the difficulty of a similar generic drugs into the market. To provide cheap drugs for the community, at the national level the government is requested to revise patent laws, even to amendment the TRIP’s agreement.
(Kompas, 7 May 2015)

<Indonesia> Blocking Pirated Sites, Effective (Copyrights)

Blocking some sites that contain pirated content, such as movies and music, proved effective in a number of countries in Europe and Asia. This blocking traffic suppresses illegally downloading content. Currently, 32 European countries have legislation governing the blocking of sites which violate the provisions. Minister of Communication and Information (Kominfo) Rudiantara support blocking sites with content piracy. However, Kominfo in collaboration with the Directorate General HAKI can only be blocked if there are complaints from the public because it is a complaint-based offense.
(Kompas, 7 May 2015)

<Indonesia> LMK Film should be establish soon (Copy rights)

Government encourages film-makers to immediately establish a collective management organization or Lembaga Manajemen Kolektif (LMK) that specifically handles royalties for the film industry players. As is

known, after the enactment of Law of copyright, the Ministry of Law and Human rights form two new institutions LMKN creators and related rights. According to the copyright law, these two institutions is expected to help the creators and owners of related rights to keep the

work by collecting royalties from commercial use of copyrighted songs and musical works.
(Bisnis Indonesia, 11 May 2015)

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