

インドネシア知財ニュース

IP News in Indonesia

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<Indonesia> Djarum Wins Trademark Dispute

PT. Djarum (defendant) wins the trademark dispute against Adhi Soebekti and Lie Reza H. Aliwarga (plaintiff) after the Commercial Court could not accept the plaintiff lawsuit, because Djarum Autoblackthrough trademark has been legally transferred and registered in the general list of trademarks on 2 December 2014 by the other companies, not in the name of PT. Djarum. The second lawsuit was filed in a previous case No.30 / IPR / Trademark / 2013 / PN.JKT.PST. Lawsuit of the plaintiff was rejected entirely by the assembly. Then, the panelis argues plaintiff can not show proof of registration payment of mark.
(Bisnis Indonesia, 13 May 2015)

<Indonesia> Indonesia strive exit from list (Priority Watch List)

The effort out of the priority watch list or a list of countries with the circulation of counterfeit or high pirated goods continued by Indonesian government. One of which is done is preventive action that encouraged the spread of pirated goods by the Director General of IPR (DJHKI). In terms of regulations, the government has improved the copyright laws that reinforce sanctions, including by targeting the shopping center. RI is always included in the list are made every year since 1989. Priority watch list is part of an annual report titled 301 special report issued by the US government through the US representative. Last year, Indonesia is on the list along with Algerian, Argentina, Chile, China, India, Pakistan, Rusia, Thailand, and Venezuela.
(Bisnis Indonesia, 15 May 2015)

<Indonesia> Defendant claims Aoki Mischka not a creator (doll design dispute)

Mischka Aoki Pty Ltd. (plaintiff, Australia Company) sued Ryan (defendant, a creator image) because stopping

processing doll design unilaterally and cause harm with the plaintiffs. Due to the disagreements between the two parties (defendant and plaintiff), causing the defendant decided to resign, but it has not yet implemented the obligation to pay the plaintiff against the defendant. Defendant assess the plaintiff is not a party design the dolls which were performed by the defendant. Plaintiff as a legal company supposed to be not entitled to claim as the holder of the copyright on the design of a doll made by the defendant.
(Bisnis Indonesia, 15 May 2015)

<Indonesia> Blue Bird Still Optimistic Wins

The PT. Blue Bird Tbk (defendant) optimistic to win a trademark dispute in central Jakarta commercial court against Mintarsih A. latief (plaintiff). Defendant optimistic that the lawsuit filed by the plaintiff will be rejected by the judges, because of the plaintiff's lawsuit considered to mix of cancellation of trademark with act against the law with accompanied compensation.
(Bisnis Indonesia, 25 May 2015)

<Indonesia> MIAP encourage the publication of regulation of IPR

Masyarakat Indonesia Anti Pemalsuan (MIAP) or Indonesian Anti-Counterfeiting Society encourages the government to immediately spawn Jakarta governor regulation (regulation) related to IPR protection this year. This regulation will prohibit the sale of counterfeit goods on in Jakarta who would receive administrative sanctions if violated.
(Bisnis Indonesia, 27 May 2015)

<Indonesia> Warning and Announcement of Hello Kitty Trademark and Copyright

Sanrio Company, Ltd., located in Tokyo, Japan, is a company that deals with the licensing of copyright and trademark and is the creator of Hello Kitty all over the world, including in Indonesia. Sanrio Company, Ltd. is the rightful owner and entitled to all intellectual property rights associated with hello kitty, including titles, logos, characters and so forth. And has registered the copyright and trademark to the Director General of IPR. Hereby warns any parties to stop produce and distribute all products using trademark and copyright of “Hello Kitty” without our permission. Any trademark infringement will be prosecuted to the court.
(Kompas, 30 May 2015)

<Indonesia> Pierre Cardin Failed to Cancel the Local Trademark

Commercial court of Central Jakarta rejected a Pierre Cardin lawsuit to cancel “Pierre Cardin” trademark belonging to local businessman Alexander S. Wibowo. The panel said that the plaintiff had failed to prove the bad faith of the defendant and the plaintiff stated that the trademark can not be known as well-known trademark. In the examination process, the panel ignores some plaintiff evidence in a foreign language which was filled without equipped sworn Indonesian translation. Respond to this, the plaintiff will do cassation.
(Bisnis Indonesia, 10 June 2015)

<Indonesia> Kenko Failed to Cancel Dong A Design

Wang Jinxi (plaintiff, owner of the brand Kenko) failed to cancel the industrial design ballpoint owned Dong A Pencil Co., Ltd. (the defendant) from South Korea as it is considered to have a different configuration. The defendant design industry assessed has novelty in accordance with article 2, paragraph 1 of the design industry law. In addition, the registration has gone through the legal process in accordance with the provisions of the Directorate General of IPR.
(Bisnis Indonesia, Bisnis, 16 June 2015)

<Indonesia> Blue Bird won Trademark Dispute

PT. Blue Bird (defendant) won trademark dispute against Mintarsih (plaintiff) after a lawsuit over the trademark Blue Bird was rejected entirely by Commercial Court of Central Jakarta. Plaintiff judged not entitled to file a lawsuit because it has not filed a trademark registration to

the Director General of IPR. The plaintiff responded it would consider an appeal to the Supreme Court.
(Bisnis Indonesia, 17 June 2015)

<Indonesia> GS Yuasa wins PK

GS Yuasa Corporation (plaintiff) won the cancellation case of trademark registration against the PT. Battery Gramitrama Indonesia (defendant) a local company battery/accumulator because trademark GiSi (IDM000342727, class 9) belong to defendant considered have a similar in principle with the plaintiff trademark. In its decision, the Supreme Court also declared that GS Yuasa is the owner and holder of the first brand GS and GS brand is a well-known trademark.
(Bisnis Indonesia, 23 June 2015)

<Indonesia> Scholastic Successfully Cancel the Local Trademark

Scholastic Inc., (a company from USA, plaintiff) won the cancellation case of trademark registration against Choi Sin Yun (defendant) because trademark “Scholastic Children’s Academy” (IDM000345917, 17 January 2012) belong to defendant have similarity in common with the plaintiff trademark. Plaintiff is the special trademark holder in Indonesia for “Scholastic” trademark (IDM000202459, 20 April 2009, class 41) and also can be classified as a well-known trademark.
(Bisnis Indonesia, 24 June 2015)

<Indonesia> Sheraton sues Tunas Mekar

Sheraton Group (Sheraton International LLC, Sheraton International IP ILC, and Starwood Hotels & Resort Worldwide Inc., plaintiff) submit a lawsuit of cancellation of trademark “Regis @ the Peak at Sudirman” (No. IDM000249855, class 36) in the name of PT. Graha Tunas Mekar (defendant) because it has similarity in its essential part with trademark “St. Regis” owned by the plaintiff.
(Bisnis Indonesia, 30 June 2015)

<Indonesia> The Closing of Rules upon Content Agreed

The Ministry of Justice and Human Rights and the Ministry of Communications and Information Technology agreed the rules of closing content or use of access rights of copyright infringement in electronic systems. The regulation is the implementation of Law No. 28 Year 2014 regarding Copyright. These regulations set the two things related to the the closing the content and access

rights associated with copyright infringement in multimedia.

(Bisnis Indonesia, Antara, 3 July 2015)

<Indonesia> Registration period will be shortened

Director General of HKI is seeking to shorten the period of registration of the mark from the previous 1.5 years to just eight months. This amendment will be included in a revision of the law of Trademark that is currently being discussed by the House of Representatives Commission III of Republic Indonesia (DPR RI).

(Bisnis Indonesia, 7 July 2015)

<Indonesia> BMW sues Local Trademark

Bayerische Motoren Werke Aktiengesellschaft (BMW, plaintiff) submit a lawsuit of cancellation of trademark "Motorrad" (No. IDM000431333 and IDM000431334, class 35 and 37) in the name of Grattiano Deru (defendant) because it has imitating the plaintiff trademark by take a substantial part. BMW Motorrad (plaintiff's trademark) is a trademark for motorcycle which has already produced since 1923 and already registered in Uni Europe since 14 November 2002 and this mark already registered and have been used in 46 countries. The presence of the defendant's trademark has caused confusion or misleads the public regarding the relationship with the plaintiff's business operations. Consumers would think that if the defendant is officially designated authorized dealers by plaintiff.

(Bisnis Indonesia, 9 July 2015)

<Indonesia> ICED Management Loses (Cancellation of Kwik Kopy Trademark)

Commercial Court of Central Jakarta refused lawsuit submitted by I.C.E.D Management Inc. (plaintiff) regarding cancellation of trademark "Kwik Kopy" No. IDM000345788 class 35 owned by DB Mirchandani (defendant). In their legal consideration, judges assesses the evidence presented by the plaintiff in the trial did not have valid evidence value because the evidence of a trademark registration statement Kwik Copy from various countries who were shown to the court just a copy or photocopy, not the original.

(Bisnis Indonesia, 15 July 2015)

<Indonesia> H & M Won a Lawsuit

H & M Hennes (multinational retail company fields of fashion, plaintiff) managed to cancel the trademark

"Monkey Monkey" (IDM000245954, class 25) belong to Edy Hartono (defendant). The panel stated that the defendant did not use the said trademark for three years consecutively. The lawsuit was filed because of the existence of the defendant's trademark inhibit registration of mark "Monki" owned by H & M.

(Bisnis Indonesia, 23 July 2015)

<Indonesia> Jack Wolfskin Sues a Local Entrepreneur

Jack Wolfskin Ausrustung Fur Draussen GMBH & Co KGaA (plaintiff; IDM000440455, class 22) submits a trademark cancellation lawsuit against the same mark "Jack Wolfskin" (IDM000018078; class 18) owned by Alexander Wisata (defendant). The defendant's trademark similar in principle or in its entirety with the plaintiff's trademark, both the name and logo of footprints are reflected in the design. The plaintiff also accused that the defendant had filed his trademark with bad faith that is to free ride the famous mark of "Jack Wolfskin".

(Bisnis Indonesia, 3 August 2015)

<Indonesia> Trademark Warning of OMRON

Omron Corporation, as the owner of registered trademark "OMRON" No. IDM000102040 (class 9) hereby warns any parties to stop produce, distribute, sell and trade imitated products using similar trademark without our permission. Any trademark infringement will be prosecuted to the court.

(Kompas, 11 August 2015)

<Indonesia> Skyworth Owner Scramble Trademark

Shenzhen Skyworth Automobile Electronics Co., Ltd. (plaintiff) submit a cancelation lawsuit against local trademark (IDM00104338, IDM00104340 and IDM000104342, class 7, 9 and 11) belong to Linawaty Hardjono (defendant). Skyworth has been registered in more than 197 countries, thus entitled to the recognition of the exclusive and sole right to use the brand. The defendant trademark also considered have similar in principle with the trademark owned by the plaintiff and was filed with having the bad faith.

(Bisnis Indonesia, 14 August 2015)

<Indonesia> BMW Accusations assessed to be wrong

Gratiano (defendant, Motorrad trademark owners) said Bayerische Motoren Werke Aktiengesellschaft (plaintiff)

have given permission for the sale of BMW Motorrad to the defendant and approved in an agreement in 2012. The defendant is the owner of the motor unit and a leading provider of maintenance services of BMW Motorrad. The defendant has also established a large user community motors as BMW Motorrad Club since 2009. Defendant assessing that the lawsuit filed by the plaintiff did not clear and the defendant also denied the charges filed in bad faith by the plaintiff.
(Bisnis Indonesia, 19 August 2015)

<Indonesia> Hundreds of Counterfeit Swiss Army Watches Seized

Jakarta Police seized 500 counterfeit swiss army watches at a number of shops and shopping centers in cibubur. The seizure is done based on reports from the company it self. Fake goods are only sold at the price range Rp. 200,000 - Rp. 500,000 while the price of the original watches range from Rp. 1.5 million - Rp. 3 million.
(Bisnis Indonesia, Bisnis, 19 August 2015)

<Indonesia> Movie Piracy

Ministry of Law and Human Rights announced the blocking of 22 websites pirated movie provider in mid-August last. Few days later, a number of sites that have been blocked changed with new domain address. Closing this movie pirate sites is the implementation of

Law No. 28/2014 on Copyright. The law set up the closure of the content and / or access rights associated with copyright infringement in the multimedia facilities. Act followed by the release of joint regulation between Kemenkumham and Kemenkominfo on 2 July governing the implementation of the closure of the content or the user's access rights of copyright infringement in electronic systems.
(Bisnis Indonesia, 24 August 2015)

<Indonesia> Jack Wolfskin Submit Well-known Evidence

Jack Wolfskin Ausrustung Fur Draussen GMBH & Co KGaA (plaintiff) would submit evidence of trademark registration in several countries in order to strengthen their argument as a famous brand (well-known trademark) in related to the trademark cancellation request of a similar trademark owned by Alexander Wisata (defendant). The plaintiff has established the company since 1981 and has been using and promoting its brand through 742 outlets in 42 countries. Plaintiff would like to cancel the defendant's trademark No. IDM000018078 (class 18); No. IDM00001807 and No. IDM000236804. Trial will continue next week with agenda proof of the defendant.
(Bisnis Indonesia, 1 September 2015)

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