

インドネシア知財ニュース

IP News in Indonesia

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<Indonesia> Amendment of Patent Definition in the New Patent Law

Director of Patent states that broader scope of patent definition in the new patent law (Law No. 13 Year 2016 Regarding Patent) will increase number of patent application in Indonesia. In the said amendment, “process, composition, formula, system and method” are added to the definition of simple patent. In addition, simple patent does not necessarily a new product, a development of product or process is allowed. In 2015, number of patent application is 8,869 among them 700 are domestic applications.

(Bisnis Indonesia, 22 September 2016)

<Indonesia> Cancellation of Mark “Matsunaga”

Matsunaga manufacturing Co., Ltd. (plaintiff), in case No.44/Pdt.Sus-Merek/2016/PN.Niaga.Jkt.pst, ask Commercial Court of Central Jakarta to cancel registration of marks “Pro Matsunaga” No.IDM000477031, “Matsunaga+device” No.IDM000491467 and “Matsunaga” No.IDM000443216 in class 9 owned by Lie Senihian (defendant) because they have similarities with marks “Matsunaga” No. IDM000503466 and No.D002016034356 owned by plaintiff.

(Bisnis Indonesia, 22 September 2016)

<Indonesia> Piracy of Warkop Movie

Following the case of WARKOP movie piracy conducted by a movie audience, PT Falcon Pictures (producer of WARKOP movie) ask any parties not to conduct any piracy action because it infringes the Copyright Law and the criminal sanction for it is high (10 years/Rp4 billions). In the said case, the audience doing the piracy by recording the movie using a smartphone and make it

available by online streaming to users using an application named Bigo.

(Bisnis Indonesia, 28 September 2016)

<Indonesia> Zego Boss Trademark Lawsuit

Commercial Court of Central Jakarta, in Case No. 27/Pd.Sus-HKI/2016/PN JKT.PST, refuse to cancel registration of trademark “ZegoBoss” No. IDM000189607, No.IDM000384747 and IDM000376735. Judges consider that trademark “Hugo Boss” owned by Hugo Boss Trade Mark management GmbH and Co. Kg has weak distinctiveness, the word “Boss” is generic word so that any marks using word “Boss” do not necessarily means as an imitation.

(Bisnis Indonesia, 6 October 2016)

<Indonesia> AEON Failed in Commercial Court

In case No.35/ Pdt.Sus-Merek/2015/PN.Niaga.Jkt.Pst, Aeon Kabushiki Kaisha (plaintiff) failed to cancel mark “Aeon Rubber” No. IDM000382097 owned by Haryadi Setiawan (defendant). Judges of Commercial Court of Central Jakarta decide that cancellation lawsuit filed by plaintiff cannot be accepted because the copy of verdict No.64/Pdt.Sus-Merek/2015/PN.Niaga.Jkt.Pst (used by plaintiff as a ground of well-known mark for AEON) cannot be used as evidence. According to judges, the plaintiff must submit the original one.

(Bisnis Indonesia, 13 October 2016)

<Indonesia> Broader Scope of Mark in the New Mark Law

In addition to traditional marks, currently, sound mark, 3D mark, and hologram mark are included in the definition of mark as stipulated in Article 1 of the Mark Law (Law of Mark and Geographical Indication). This

amendment is purposed to increase number of mark application and also to adopt Singapore Treaty in the current law.

(Bisnis Indonesia, 1 November 2016)

<Indonesia> Case of Patent (LPG Regulator)

Commercial Court of Central Jakarta, in case No.41/Pdt.Sus-paten/2016/PN.Niaga.Jkt.Pst, refused to cancel the registration of simple patent No.IDS000001445 (LPG Regulator with a Locking Mechanism) owned by Sukianto (defendant) because the said patent has a novelty. The said cancellation lawsuit was filed by Indra Mustakim (plaintiff/owner of patent No.IDS000001072, Improved LPG Regulator Apparatus). (Bisnis Indonesia, 2 November 2016)

<Indonesia> ADIDAS AG Withdrawn the Mark Lawsuit

Adidas AG (plaintiff), in case No.38/Pdt.Sus-paten/2016/PN.Niaga.Jkt.Pst, had withdrawn their lawsuit in 22 September 2016. However, plaintiff did not disclose the reason for the said withdrawal. In the said lawsuit, plaintiff ask judges to cancel mark “Sportmen and logo” owned by Jimmy Sanjaya (defendant) because it similar with well-known marks 3-Bars and 3-Stripes owned by plaintiff. (Bisnis Indonesia, 4 November 2016)

<Indonesia> Unilever Is Sued for Copyright Infringement

In case No.54/Pdt.Sus-HKI/Cipta/2016/PN.Niaga.Jkt.Pst, Joice M. Senduk (plaintiff) ask PT Unilever Indonesia Tbk (defendant) to pay compensation by Rp22.5 billion because defendant has infringed the copyright of plaintiff by using of self-portrait of plaintiff for commercial purpose without any permission. (Bisnis Indonesia, 9 November 2016)

<Indonesia> Design Case: Cancellation of Sanitary Designs

In case No.32/Pdt.Sus-HKI/Desain/2016/PN.Niaga.Jkt.Pst, Commercial Court agrees to cancel registration of 94 Industrial Design of sanitary (soap case, tap, shower, hose, etc.) owned by 9 local owners (defendant). Judges consider that the said industrial designs have no novelty because they have been produced by PERSANDO (plaintiff) previously. Further, defendants will submit appeal to Supreme Court because the judges did not

specifically describe the prior designs as the reason for cancellation.

Note: Member of PERSANDO/Perkumpulan Sanitary Indonesia = TOTO, ONDA, etc. (Bisnis Indonesia, 16 November 2016)

<Indonesia> Apology Notice

ROBIN, HARTANTO DJOKRO, AND MUJIONO (store owners) domiciled in Jakarta, apologizes to MOTOROLA TRADEMARK HOLDINGS, LLC. (Motorola) for using trademarks owned by Motorola for some products (walkie-talkie, battery, and accessories) without any consent. (Bisnis Indonesia, 21 November 2016)

<Indonesia> BEKRAF Arranges IP-Based Financing

BEKRAF (Creative Economic Agency) is currently arranging an IP-based financing concept in order to promote financial access for this sector. In this concept, IP (as an intangible asset) is proposed to be a substitute for land and building as collateral for financing from banks. (Bisnis Indonesia, 22 November 2016)

<Indonesia> Cancellation Case of Mark Nusasari

In case No. 1/Pdt.Sus-HKI/Desain/2016/PN.Niaga.Jkt.Pst, PT Nutrifood Indonesia (plaintiff) ask Commercial Court of Central Jakarta to cancel registration of mark “Nusasari” No.IDM000498569 Class 30 owned by Teti Rohayati (defendant) because it has similarities with marks “Nutrisari” No. IDM000258060, etc., owned by plaintiff for the same kind of goods. (Bisnis Indonesia, 22 November 2016)

<Indonesia> Unilever Denies the Infringement Claim

Unilever Indonesia Tbk. (defendant I) states that they are not responsible for the use of self-portrait as advertisement because they have assigned all advertising matters to PT Citra Lintas Indonesia (defendant II) by and Advertising Agency Agreement. Previously, in case No.54/Pdt.Sus-HKI/Cipta/2016/PN.Niaga.Jkt.Pst, Joice M. Senduk (plaintiff) ask PT Unilever Indonesia Tbk (defendant I) to pay compensation by Rp22.5 billion because defendant has infringed the copyright of plaintiff

by using of self-portrait of plaintiff for commercial purpose without any permission.
(Bisnis Indonesia, 24 November 2016)

<Indonesia> “Bharath Darshan” Still Owned by Asoka

Commercial Court of Central Jakarta, in case No.26/Pdt.Sus-Merek/PN.Niaga.Jkt.Pst, cannot accept claim of Prakash Vashdev (plaintiff) for cancelling mark Bharath Darshan No. IDM000287198 owned by Asoka Trading Co. (defendant). Judges consider that according to Mark Law, the plaintiff should file the mark application first prior cancelling the said mark.
(Bisnis Indonesia, 2 December 2016)

<Indonesia> Cancellation Case of Mark “Proenza Schouler”

In case No. 60/Pdt.Sus-HKI/Desain/2016/PN.Niaga.Jkt.Pst, Proenza Schouler LLC (plaintiff) ask Commercial Court of Central Jakarta to cancel registration of mark “Proenza Schouler” No.IDM000410586 in class 25 in the name of Lie Giok Lan (defendant) because it has similarities with marks “Proenza Schouler” No. D002016011264/ D002016011267/ D002016011271 owned by plaintiff for the same kind of goods and because it was filed with having bad faith.
(Bisnis Indonesia, 6 December 2016)

<Indonesia> AEON proceeds to Cancel Similar Marks in Indonesia

Aeon Kabushiki Kaisha continues the process of cancelling similar marks in Indonesia in order to run their business. Currently, they succeeded in cancelling marks No.IDM000472049 (class 3) in the name of Panji Wisnu Wardhani and No.IDM000386069 (class 32) in the name of Agus Srihartono. However, they failed in cancelling mark “Aeon Rubber” No. IDM000382097 owned by haryadi Setiawan.
(Bisnis Indonesia, 21 December 2016)

<Indonesia> Unilever Escapes from Copyright Infringement

Commercial Court of Central Jakarta cannot accept the lawsuit of copyright infringement filed by Joice M. Senduk (plaintiff) because the lawsuit is obscure. Previously, in case No.54/Pdt.Sus-HKI/Cipta/2016/PN.Niaga.Jkt.Pst, plaintiff ask PT Unilever Indonesia Tbk (defendant) to pay compensation by Rp22.5 billion because defendant has infringed the copyright of plaintiff by using of self-portrait of plaintiff for commercial purpose without any permission.
(Bisnis Indonesia, 21 December 2016)

<Indonesia> Cancellation Case of Mark “Happybaby”

In case No. 56/Pdt.Sus-HKI/Desain/2016/PN.Niaga.Jkt.Pst, Nurture Indonesia (plaintiff) ask Commercial Court of Central Jakarta to cancel registration of mark “Happybaby” No.IDM000290494 Class 5 owned by PT Organik Semesta (defendant) because it has similarities with marks “Happybaby” No. D00.2015.034854 owned by plaintiff for the same kind of goods and because it was filed with having bad faith.
(Bisnis Indonesia, 22 December 2016)

<Indonesia> Online Filing Will Be An Opt

Following the issuance of PP No.45/2016 which includes the regulation for fee for IP online filing, DGIP predicts that number of online application will increase. Although DGIP state that online filing scheme will help applicant to file their application in less cost, however, some complaints were sounded by SME’s regarding the increase of fee of filing for mark and GI.
(Bisnis Indonesia, 28 December 2016)
