

インドネシア知財ニュース

IP News in Indonesia

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<Indonesia> *J. Casanova Won the Mark Case*

Supreme Court cancels decision of Commercial Court of Central Jakarta in case No.56/Pdt.Sus-HKI/Desain/2016/PN.Niaga.Jkt.Pst and further agrees to cancel mark Casanova No.IDM000324610 (class 3) in the name of Irawan Gunawan (defendant) because it was filed with having bad faith. Further, DGIP will delete the registration of the said mark from the General Register.
(Bisnis Indonesia, 3 January 2017)

<Indonesia> *PT Rajawali Ask Judges to Cancel Patent of Pump*

In case no.67/Pdt.Sus-Paten/2016/PN.Niaga.Jkt.,Pst, PT Rajawali Parama Konstruksi (plaintiff, dealer of Armstrong pump) asks judges to cancel patent of "vertical pump installation" No.IDP000040892 in the name of Poltak Sitingjak (defendant) because it has no novelty. As a background, plaintiff explains that previously defendant was an Armstrong pump dealer and imported the product from S.A Armstrong Limited-Canada and further they files a patent application for vertical pump installation in 2013 and it was granted in 2016. Agreement between defendant and S.A Armstrong was terminated in May 2016. However, afterwards, defendant claims that plaintiff had infringe their patent right.
(Bisnis Indonesia, 5 January 2017)

<Indonesia> *Ministry Regulation for Mark Application Will Be Issued*

Following the implementation of Law No.20 year 2016 regarding Mark and Geographic Indication, DGIP states that ministry regulation regarding mark application soon will be issued. Currently, the said regulation is waiting to be approved by Ministry of Law and HR. DGIP also states that the said regulation will improve the

implementation of Mark Law because it includes well-known mark application.
(Bisnis Indonesia, 10 January 2017)

<Indonesia> *Business Practitioners Request More Dissemination of the New Trademark Law*

Some businessmen associations (APMETI, AMKREI) state that they need more dissemination of the new mark law because many of their members having lack of information. In addition to information of filing etc., they also ask for reduced fee for filing applications.
(Bisnis Indonesia, 17 January 2017)

<Indonesia> *Trademark Application Backlog: 211.000*

Due to lack of human resources at Mark Office, currently, there are 211.000 pending mark applications. With only 5 staffs, they receive 65.000 mark applications (70% are domestic applications) each year. Since Mark Office cannot receive new employee during moratorium, they plan to hire vendors to help them expedite reducing the number of said backlog.
(Bisnis Indonesia, 24 January 2017)

<Indonesia> *Apology Notice*

Indra Ranty (Toko Ira) and Indra Hadjar/Agus domiciled in Gorontalo, apologizes to The Gillette Company, LLC because of using mark "Gillette" without any consent and selling products using the said mark.
(Kompas, 30 January 2017)

<Indonesia> *Cancellation of Marks "MATSUNAGA"*

Commercial Court of Central Jakarta, in case No.44/Pdt.Sus-Merek/2016/PN.Niaga.Jkt.pst, agrees to cancel registration of marks “Pro Matsunaga” No.IDM000477031 and “logo” No.IDM000443216 in class 9 owned by Lie Senihian (defendant) because the said marks have similarities with marks “Matsunaga” No. IDM000503466 and No.D002016034356 owned by plaintiff. The defendant was also considered as having bad faith when filing those marks. Responding the decision, defendant plans to submit cassation to Supreme Court.
(Bisnis Indonesia, 31 January 2017)

<Indonesia> Cancellation of Mark “K. BROTHERS COSMETIC”

J&K Internatural Co., ltd. (plaintiff) ask commercial court to cancel registration of mark “K. Brothers Cosmetic” (class 5) owned by Kho Theng Tian (defendant) because the said mark has similarity with their marks “K. Brothers”. The plaintiff is a producer of cosmetic products in Thailand.
(Bisnis Indonesia, 1 February 2017)

<Indonesia> Apology Notice

Hereby, Yanura (Suryabaru IT, Surabaya), Bryan Kurnia (Room 56, Jakarta, Arief Sunardi (Inotech, Bandung), Siti Rosdiah (Asean Notebook, Jakarta) and Rio Suriyono (Ruphen Shop, Jakarta) apologizes to Microsoft for selling pirated software (Microsoft Windows/Offices) in our stores.
(Bisnis Indonesia, 1 February 2017)

<Indonesia> Patent of Pump Case Update

Following patent cancellation lawsuit filed by PT Rajawali Parama Konstruksi (plaintiff) in case no.67/Pdt. Sus-Paten/2016/PN.Niaga.Jkt.Pst, Poltak Sitinjak (defendant) argues that according to Art. 70 of Patent Law No.13/2016, instead of commercial court, the party who proper to handle the case is Patent Appeal Commission. Previously, plaintiff asked commercial court to cancel patent of vertical pump installation No.IDP000040892 in the name of defendant because it has no novelty.
(Bisnis Indonesia, 10 February 2017)

<Indonesia> Ministry Regulation for Mark Application is issued

Ministry Regulation No.67/2016 regarding mark application has been issued. This regulation is derivation of Law No.20 year 1026 regarding Mark and Geographic Indication. This regulation also discloses the criteria of well-known mark. The said criteria is defined by considering the general knowledge of society about the said mark in the related field. It includes the scope of use within a region, degree of knowledge of society about the said mark in the related field, applications in other countries, and embedded value if the mark obtained from a reputation and quality guarantee of the goods.
(Bisnis Indonesia, 21 February 2017)

<Indonesia> Apology Notice

Awen Harsono (Toko SELLA HEALTHCARE) domiciled in ITC Depok and Mall Mega Bekasi, apologizes to 3M Company (“3M”), because of selling fake product (Stethoscope; mark: LITMANN). Awen Harsono also paid a compensation for the damage caused.
(Bisnis Indonesia, 21 February 2017)

<Indonesia> Proenza Schouler Lost the Mark Case

Commercial Court of Central Jakarta agrees with the answer of DGIP (defendant II) and decides that they cannot accept the lawsuit filed by Proenza Schouler LLC (plaintiff) because the Power of Attorney is not valid. Previously, in case No.60/Pdt.Sus-HKI/Desain/2016/PN.Niaga.Jkt.Pst, the plaintiff asks Commercial Court of Central Jakarta to cancel registration of mark “Proenza Schouler” No.IDM000410586 in class 25 in the name of defendant I because it has similarities with marks “Proenza Schouler” No. D002016011264/ D002016011267/D002016011271 owned by plaintiff.
(Bisnis Indonesia, 22 February 2017)

<Indonesia> Mark “MATSUNAGA” Case, Defendant Submits a Cassation

On 20 February 2017, Lie Senihian (defendant) submit cassation to Supreme Court to respond decision of Commercial Court of Central Jakarta, in case No.44/Pdt.Sus-Merek/2016/PN.Niaga.Jkt.pst, which cancelled registration of marks “Pro Matsunaga” No.IDM000477031 and “logo” No.IDM000443216 in class 9 owned by defendant because the said marks have similarities with marks “Matsunaga” No. IDM000503466 and No.D002016034356 owned by Matsunaga manufacturing Co., Ltd. (plaintiff).
(Bisnis Indonesia, 13 March 2017)