

# インドネシア知財ニュース

## IP News in Indonesia

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### <Indonesia> *Apology Notice*

Lee Jong Sung and Kim Samyong domiciled in Sawah Besar, apologizes to Toni (owner of design right No.ID 012832D) because of using the said design for producing/selling product (helmet) without any right.  
(Kompas, 4 July 2017)

### <Indonesia> *4 GI Products will be filed in Europe*

Following Kopi Gayo, Directorate General of IP will file 4 Geographical Indication products (Lada Putih Muntok, Pala Fakfak Papua, Kopi Arabika Kintamani Bali, and Kopi Arabika Toraja) as collective mark in Europe Union. Currently, DGIP is preparing minister decree since EU require it as the GI filing requirement.  
(Bisnis Indonesia, 11 July 2017)

### <Indonesia> *Buccellati Submits Cancellation of Mark “Gianmaria Buccellati”*

In case No31/Pdt.Sus-HKI/Desain/2017/PN.Niaga.Jkt.Pst, Buccellati Holding Italia S.p.a (plaintiff) asks Commercial Court of Central Jakarta to cancel registration of mark “Gianmaria Buccellati” No.IDM000318638 in class 14 in the name of Lie Giok Lan (defendant) because it has similarities with marks “Gianmaria Buccelati” owned by plaintiff and it was filed with having bad faith. Meanwhile, defendant argues that the cancellation lawsuit had lapsed the period.  
(Bisnis Indonesia, 13 July 2017)

### <Indonesia> *Ministry of Law is Still Drafting the 14 Ministry Regulations on Patent*

Ministry of Law and Human Right is still drafting 14 ministry regulation as derived regulations of Law No.13/2016 related patent. Some of the said regulations are related to appeal, recordation of data amendment, compulsory license, prior user, etc. Previously, the ministry said that they will issue the said regulation by the end of second quarter of 2017.  
(Bisnis Indonesia, 14 July 2017)

### <Indonesia> *PT. Pegadaian Warns Others to Stop Using their Mark*

PT. Pegadaian (Persero), as the owner of some marks “Pegadaian” warns any party to stop using marks “Pegadaian” or “Pegadaian syariah” in order to avoid legal suit. According to PT. Pegadaian, currently many parties using similar marks that possibly will mislead consumer.

(Bisnis Indonesia, 20 July 2017)

Note:

"pegadaian" = pawnshop

PT. Pegadaian (Persero) = pawnshop state owned company

### **<Indonesia> One Province, One GI Product**

Directorate General of Intellectual Property targets that each province in Indonesia should generate/file one geographical indication (GI) product. Currently, there are 59 registered GI products (53 of them are domestic) which is a small number compared to 3600 GI products that registered in Europe.  
(Bisnis Indonesia, 20 July 2017)

### **<Indonesia> Apology Notice on Mark TOKAI**

Herwin Surya (Director of UD. Sari Indah) domiciled in North Jakarta, apologizes to PT. Tokai Dharma Indonesia (owner of mark TOKAI No. IDM000148586, IDM000194629, IDM000194630 and IDM000194631.) because of using the said mark for importing, and selling imitated product (gas lighter) without any right.  
(Kompas, 24 July 2017)

### **<Indonesia> Cancellation of Mark “Grand Pakubuwono”**

In case No.37/Pdt.Sus-HKI/Desain/2017/PN.Niaga.Jkt.Pst, BPT The Pakubuwono Development (plaintiff) asks Commercial Court of Central Jakarta to cancel registration of mark “Grand Pakubuwono @Bekasi” No.IDM0005045589 in class 36 in the name of PT Selaras Sejati (defendant) because it has similarities with marks “The Pakubuwono Residence” No. IDM000393272, “The Pakubuwono Signature” No.IDM000374582 and “The Pakubuwono Townhouse” No.IDM000373143 owned by plaintiff and it was filed with having bad faith. Previously, both parties have been mediated by Indonesian Real Estate Association (REI), but it was failed.  
(Bisnis Indonesia, 24 July 2017)

### **<Indonesia> DGIP: Trademark Backlog Progress**

As to the trademark application backlog problem, Directorate General of Intellectual Property claims that they will finish checking 45.000 application among 60.000 unpublished applications by the end of this year. Currently, Directorate of Mark has 60 examiners and each is able to check 20 applications per day.  
(Bisnis Indonesia, 25 July 2017)

### **<Indonesia> Administration Service Needs to be Improved**

Indonesia IP Attorney Association asks DGIP to improve their administration services in order to support the implementation of new Mark and Patent Laws. The services that needs to be improved include the delivery problem of mark refusal notification, which usually received by the applicant 2 months since the issuance date. In addition, the calculation of patent annuity fee in the new law also caused problem.  
(Bisnis Indonesia, 1 August 2017)

### **<Indonesia> IEU-CEPA : Focuses on Geographical Indication**

Director of Cooperation and Empowerment of IP of DGIP states that the discussion of agreement of Indonesia-Europe Union Cooperation in IP (IEU-CEPA) is focused on the mutual recognition of collective mark and geographical indication. The discussion also talks about the copyright, law enforcement and market access.  
(Bisnis Indonesia, 3 August 2017)

### **<Indonesia> IP Consultant Requests Facility for SMEs**

Indonesia IP Attorney Association asks DGIP to simplify the requirement of IP registration for SMEs. Currently, the IP registration fee for SMEs is lower than conventional applicant but other burdensome requirements such some documents from Ministry of Industry and Ministry of Trade are still needed.  
(Bisnis Indonesia, 25 August 2017)

### **<Indonesia> Cancellation of Mark “Soerabi Enhaii”**

Andri Anies and Yasmar (plaintiff) asks Commercial Court of Central Jakarta to cancel registration of mark “Soerabi Enhaii” No. IDM000147196 in class 30 in the name of Cecep Sumarno (defendant) because the assignment of the said mark from Asep Solihin (the original owner) to the defendant is not valid. Plaintiff argues that in 2010 they have a notarized assignment of the said mark from the original owner.  
(Bisnis Indonesia, 25 August 2017)

### **<Indonesia> Notification and Warning of Mark “Lukisan Ayam Jago”**

PT. Lucky Indah Keramik, as the holder of mark “Lukisan Ayam Jago” No.IDM00036635 class 21 in Indonesia and producer of goods (including plates, cup, tea set, etc.) hereby warns any party to not to use any mark that is has similarity in its entirety or in its essential part with the said marks in Indonesia without any consent to avoid legal actions.  
(Kompas, 4 September 2017)

### **<Indonesia> Notification**

Hereby, Lie han Wie (PT. Sri Intan Toki Industri) and Clemens (PT. Semesta Keramika Raya) promise not to produce, import, or sell goods (including plates, cup, tea set, etc.) using mark that has similarity in its entirety or in its essential part with mark “Lukisan Ayam Jago” No.IDM00036635 class 21 owned by PT. Lucky Indah Keramik.  
(Kompas, 4 September 2017)

### **<Indonesia> DGIP Formulates IP National Strategy**

Ministry of Law and Human Rights signs a Memorandum of Understanding (MoU) with World Intellectual Property Organization (WIPO) regarding development of IP National Strategy (SNKI). Hopefully, the strategy will provide significant contribution to economic growth. The government has set up a national Expert Team consisting of experts, WIPO-standard consultants that focused on searching initial facts, conducting IP audit and developing Strategy Document and National Action Plan.  
(Bisnis Indonesia, 11 September 2017)

### **<Indonesia> Domestic Applicant is Low**

According to DGIP statistic, during 2017 there are 6027 patent applications but among them, domestic application is low. Director of Patent states that low domestic application is because of most industries in Indonesia is commercial based, not research based. In addition, head of Indonesia IP consultant states that local applicants more prioritizing business aspect than IP protection.  
(Bisnis Indonesia, 14 September 2017)

### **<Indonesia>Decision on Cancellation of Mark “Gianmaria Buccellati”**

Commercial Court of Central Jakarta decision on case No31/Pdt.Sus-HKI/Desain/2017/PN.Niaga.Jkt.Pst states that mark “Gianmaria Buccellati” No.IDM000318638 in class 14 in the name of Lie Giok Lan (defendant) is cancelled since it has similarity with ith marks “Gianmaria Buccelati” owned Buccellati Holding Italia S.p.a (plaintiff) and it was filed with having bad faith. Responding to the decision, defendant will submit appeal to Supreme Court.  
(Bisnis Indonesia, 14 September 2017)

### **<Indonesia> Patent of Pump Case Update**

For the second time, PT Rajawali Parama Konstruksi (plaintiff) in case no.17/Pdt.Sus-Paten/2017/PN.Niaga.Jkt.Pst asks commercial court to cancel the registration of patent of vertical pump installation No.IDP000040892 in the name of Poltak Sitingjak (defendant) because it has no novelty. Previously, the Police has stopped the investigation of infringement of patent No.IDP000040892 submitted by Poltak Sitingjak because lack of evidences. Responding to the case, 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.

(Bisnis Indonesia, 15 September 2017)

### **<Indonesia> Supreme Court Decision on Cancellation Case of Mark “K. BROTHERS COSMETIC”**

In Case No 1118K/Pdt/Sus-HKI/2017, Supreme Court decides to refuse appeal submitted by Kho Theng Tian (defendant) and agrees to the decision of commercial court that cancelled registration of mark “K. Brothers Cosmetic” (class 5) owned by Kho Theng Tian (defendant) because it has similarity with marks “K. Brothers” owned by &K Internatural Co., ltd. (plaintiff).

(Bisnis Indonesia, 19 September 2017)

### **<Indonesia> Indonesia will Adopt Madrid Protocol Soon**

The implementation of The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) in Indonesia mark registration system is waiting the issuance of President Decree. Soon after the accession of the Madrid Protocol, Indonesia will be the 100th member countries, following Thailand (99th). Minister of Law states that Madrid System is a practical solution (cost –effective) for registration and maintenance of international marks.

(Bisnis Indonesia, 20 September 2017)

### **<Indonesia> Supreme Court Decision on Marks “Pro Matsunaga”**

In Case No 972K/Pdt/Sus-HKI/2017, Supreme Court decides to refuse appeal submitted by Lie Senihian (defendant) and agrees to the decision of commercial court that cancelled registration of mark “Pro Matsunaga” No.IDM000477031, IDM000491467 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). Following the Supreme Court decision, plaintiff ask the law enforcer to withdraw all product of stabilizer (Promatsunaga) owned by defendant from the market.

(Bisnis Indonesia, 20 September 2017)

### **<Indonesia> Trademark “Harley Davidson Blend” Cancellation Case**

In case No.43/Pdt.Sus-HKI/Merek/2017/Pn.Jkt.Pst, Harley Davidson USA LLC (plaintiff) asks Commercial Court of Central Jakarta to cancel registration of marks “Harley Davidson” and “Harley Davidson Blend” in classes 29, 30 and 32 in the name of PT. SUMATRA TOBACCO TRADING COMPANY (defendant) because the said marks were similar and were filed with having bad faith. Meanwhile, defendant argues that their mark designated different classes and were filed in good faith.

(Bisnis Indonesia, 29 September 2017)