

インドネシア知財ニュース

IP News in Indonesia

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<Indonesia> *Indonesia Joins Madrid Protocol*

On 2 October 2017 at WIPO General Assembly in Geneva, Indonesia is officially joins The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) as the 100th member country. According to Minister of Law, previously President Joko Widodo has signed the President Regulation No. 92 Year 2017 regarding Accessing of Madrid Protocol. The Protocol will enter into force for Indonesia on January 2, 2018. Minister of Law also states that Madrid System is a practical solution (cost –effective) for registration and maintenance of international marks. (Bisnis Indonesia, 3 October 2017)

<Indonesia> *Apology Notice to Honda*

Liong Indra Mawan (owner of Jaya Teknik store) domiciled in Lampung, apologizes to Honda Motor Co., Ltd (owner of marks HONDA No. IDM000045619, IDM000093955, IDM000093954, IDM000255981, M000210833 and IDM000045622) because of using the said mark for selling imitated products (water pump, generator, engines) without any right. (Kompas, 30 October 2017)

<Indonesia> *Notification & Warning: SHISEIDO*

PT Shiseido Indonesia warns any party not to use their mark “Shiseido” without right in order to avoid legal suit. They also inform that they only imported the cosmetics goods and do not produce it in Indonesia and/or register it to BPOM. (Kompas, 9 November 2017)

<Indonesia> *PPNS Will Be Reinforced*

DGIP will reinforce the function of DGIP investigators (PPNS) to support the enforcement of IP law by providing more authorities in penal mediation. In addition, improvement of competencies and providing more facilities for information access for PPNS also will be carried out. (Bisnis Indonesia, 17 November 2017)

<Indonesia> *Copyright Case: Blogger’s Photograph*

Rembulan Indira (plaintiff, a blogger) file a lawsuit of copyright infringement at Commercial Court of Central Jakarta (No.57/Pdt.Sus-Hak Cipta/2017/PN.Jkt.Pst) because her photograph was used by CFC Grande Kawaraci Tangerang (defendant I) and PT Pioneerindo Gourmet International Tbk (defendant II) for commercial purpose without her permission. (Bisnis Indonesia, 20 November 2017)

<Indonesia> Mark Case: Proenza Schouler

Commercial Court of Central Jakarta agrees 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 well-known marks “Proenza Schouler” No. D002016011264/ D002016011267/ D002016011271 owned by Proenza Schouler LLC (plaintiff) and it was filed with having bad faith.

(Bisnis Indonesia, 21 November 2017)

<Indonesia> Harley Davidson Won the Trademark Case

In case No.43/Pdt.Sus-HKI/Merek/2017/Pn.Jkt.Pst, Commercial Court of Central Jakarta cancelled the 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 with mark “Harley Davidson” in Class 12 and 25 owned by Harley Davidson USA LLC (plaintiff) and they were filed with having bad faith.

(Bisnis Indonesia, 30 November 2017)

<Indonesia> Apology Notice

PT RAJA NIKMAT KULINER (producer of “CHIPSTARO” snack) domiciled in Jakarta, apologizes to PT PUTRA TARO PALOMA (owner of mark TARO) because of producing and distributing snack products using mark “CHIPSTARO” that similar with mark “TARO”. PT RAJA NIKMAT KULINER will stop any business activity related to the said product.

(Bisnis Indonesia, 13 December 2017) and (Kompas, 13 December 2017)

<Indonesia> Trademark Backlog

Based on statistic of the last 3 years, the backlog of trademark tends to increase because 186.813 trademark applications were filed but only 138.403 certificates were issued in the same period. The certificates issuance is decreasing each year: 64.783 in 2015, 44.200 in 2016 and 29.420 in 2017. Since DGIP only has 60 mark examiners, DGIP will hire examiner from some vendors to overcome this problem.

(Bisnis Indonesia, 14 December 2017)

<Indonesia> Indonesia is Ready to Access Hague Agreement

Indonesia plans to accessing the Hague Agreement, especially Geneva Act 1999. DGIP plans to amend the Design Law to suit the Hague Agreement. Hague Agreement is a system allowing an applicant to centrally file a design application to some countries.

(Bisnis Indonesia, 19 December 2017)

<Indonesia> Cancellation Case of Mark “Soerabi Enhaii”

Commercial Court of Central Jakarta refuses to cancel registration of mark “Soerabi Enhaii” No. IDM000147196 in class 30 in the name of Cecep Sumarno (defendant) because the defendant is the valid owner of the mark. Responding this decision, Andri Anies and Yasmar (plaintiff) will submit appeal to Supreme Court.

(Bisnis Indonesia, 21 December 2017)

<Indonesia> Apology Notice

JUNAEDI THENDEO (with 9 others store owners) apologize to SHELL BRANDS INTERNATIONAL AG because of selling and/or distributing lubricants using mark/logo SHELL owned by SHELL BRANDS INTERNATIONAL AG without any right.

(Bisnis Indonesia, 22 December 2017)

<Indonesia> Notification (SHELL)

PT Shell Smeermiddelen Indonesia (PT SSI) hereby clarify that PT SSI is not agent/distributor/representation and doesn't have any business relation with PT Shell Indonesia/SHELL BRANDS INTERNATIONAL AG/Shell Groups as the owner of mark "SHELL". Hereby, PT SSI and Toko Toda Racing will support PT Shell Indonesia/SHELL BRANDS INTERNATIONAL AG in protecting their marks (marks "SHELL") and will not sell/distribute any lubricants that have similar mark with marks "SHELL" owned by SHELL BRANDS INTERNATIONAL AG.
(Kompas, 8 January 2018)

<Indonesia> Apology Notice to "HONDA"

Setia Wati (owner of Toko Murni), Ronny Dermawan (owner of Toko Murni Jaya) and Rudy Hartono (owner of Toko Putra Murni) domiciled in East Java, apologizes to Honda Motor Co., Ltd (owner of marks HONDA No. IDM000045619, IDM000093955, IDM000093954, IDM000255981, IDM000210833 and IDM000045622) because of selling imitated products (water pump, generator, engines) using the said marks without any right.
(Kompas, 8 January 2018)

<Indonesia> Judicial Review of Article 20 of Patent Law

Ministry of Law and Human Right will submit a Judicial Review on Article 20 of Patent Law to Constitutional Court because the said article is very difficult to be implemented. The said article requires patent owners to implement their patent by producing the product domestically. Director General of IP state that the article should be limited to pharmaceutical field only, not general field.
(Bisnis Indonesia, 9 January 2018)

<Indonesia> Case Mark: "Purekids"

In case No. 67/Pdt.Sus-HKI/Merek/2017/PN.Jkt.Psy, PT Antarmitra Sembada (plaintiff) asks Commercial Court of Central Jakarta to cancel decision of Mark Appeal Commission which refused the application of registration of mark "Purekids & Baby" because it has similarity in its essential part with mark "My Baby" No. IDM000146060.
(Bisnis Indonesia, 24 January 2018)

<Indonesia> Notification and Warning

PT Luxor Indonesia, as the owner of marks "JELI GAMAT LUXOR SERIGAMA" No. IDM000162213 class 03 and IDM000171679 class 03 and IDM000171680 class 29, hereby notifies and warns any party not to use any mark which similar to those mark in order to avoid any legal action.
(Kompas, 31 January 2018)

<Indonesia> CANCELLATION OF MARK "Pusaka Iwan Tirta & Device"

Commercial Court of Central Jakarta cancelled the registration of mark "Pusaka Iwan Tirta" No. IDM000209085 in class 35 owned by PT Pusaka Iwan Tirta (defendant) because it has similarity with well-known mark "Iwan Tirta" owned by PT Iwan Tirta (plaintiff). In other case, Supreme Court refuse to cancel decision of Mark Appeal Commission which previously refused the application of trademark No. D002012031327 (class 24) owned by PT Pusaka Iwan Tirta because it has similarity with mark "Batik Iwan Tirta" owned by PT Iwan Tirta.
(Bisnis Indonesia, 1 February 2018)

<Indonesia> Apology Notice to "HONDA"

Setia Wati (owner of Toko Murni), Ronny Dermawan (owner of Toko Murni Jaya) and Rudy Hartono (owner of Toko Putra Murni) domiciled in East Java, apologizes to Honda Motor Co., Ltd (owner of marks HONDA No. IDM000045619,

IDM000093955, IDM000093954, IDM000255981, IDM000210833 and IDM000045622) because of selling imitated products (water pump, generator, engines) using the said marks without any right.
(Kompas, 7 February 2018)

<Indonesia> Case Mark: “Felix Buhler”

In case No. 73/Pdt.Sus-HKI/Merek/2017/PN.Jkt.Psy, Felix Buhler AG (plaintiff, a fashion company from Switzerland) asks Commercial Court of Central Jakarta to cancel registration of mark “Felix Buhler” No. IDM000030238 owned by Sumpena Rahardja (defendant) because it has similarity in its essential part with well-known mark “Felix Buhler” owned by plaintiff. Previously, the plaintiff has filed application of mark “Felix Buhler” No. D002015018545 in class 18 and 25.
(Bisnis Indonesia, 9 February 2018)

<Indonesia> DGIP Asks Businessman to Use Madrid Protocol

Since January 2018, only 5 mark applications were filed using Madrid Protocol, accordingly DGIP urges local businessman to use and take the benefit of the system to file their mark overseas. DGIP hopes that there will be 50 mark applications using this system by 2018.
(Bisnis Indonesia, 15 February 2018)

<Indonesia> Notification and Warning

PT Culletprima Setia as the owner of patents No. ID P000046637, ID P0025765, ID S000001552, and ID S0001047 that implemented on product of glassware (mark BBC), hereby notifies and warns any party not to produce/distribute/sell products using same invention in order to avoid any legal action.
(Kompas, 21 February 2018)

<Indonesia> Case Mark: “Fupongwang”

In case No. 1/Pdt.Sus-HKI/Merek/2018/PN.Jkt.Pst, PT Tobacco Hunan Industrial Co, ltd (plaintiff, Chinese company) asks Commercial Court of Central Jakarta to cancel registration of mark “Fupongwang+ kanji” No. IDM000285125 because it has similarity in its essential part with well-known marks “Furongwang + Kanji” No. D002014050092 and D002014050093 owned by plaintiff and it was filed with bad faith.
(Bisnis Indonesia, 27 February 2018)

<Indonesia> BEKRAF asks DGIP to Expedite IP registration

BEKRAF (Badan Ekonomi Kreatif/ Creative Economy Agency) asks DGIP to expedite the IP registration because the business community expects that the registration should be issued within 1-2 years.
(Bisnis Indonesia, 28 February 2018)