

# インドネシア知財ニュース

## IP News in Indonesia

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### <Indonesia> Mark Case: “Bossini”

In case No. 111 PK/Pdt.Sus-HKI/2018, Supreme Court cancelled the registration of marks “Bossini” No. IDM000296459 and IDM000348530 owned by Jusi (defendant) because they have similarity with wellknown mark “Bossini” owned by Burling Limited (plaintiff).  
(Bisnis Indonesia, 6 February 2019)

### <Indonesia> Mark Case: “JW”

In case No. 108 PK/Pdt.Sus-HKI/2018, Supreme Court cannot accept the novum submitted by PT Sarana Prima Budaya Raya (defendant) and agree with the decision Commercial Court of Central Jakarta (case No. 36/Pdt.Sus-HKI/Merek/2018/PN.Jkt.Pst) which previously deleted the mark “JW” NO. IDM000337384 owned by defendant because it was not used for 3 years consecutively. This decision will strengthen the position of JW Holdings Corporation (Korean company) as the owner of mark “JW” in Indonesia.  
(Bisnis Indonesia, 11 February 2019)

### <Indonesia> Mark Case: “PB”

In case No. 783 K/Pdt.Sus-HKI/2018, Supreme Court refused the appeal submitted by PT Garuda Tasco International (defendant) and agree with the decision of Commercial Court of Central Jakarta (No. 60/Pdt.Sus-HKI/Merek/2017/PN.Jkt.Pst) which cancelled the registration of mark “PB” No. IDM000047786 (Class 8: pest hand sprayer) owned by defendant because it has similarity in its essential part with well-known mark “PB and Device” owned by Syarikat Junchong (plaintiff, Malaysian company).  
(Bisnis Indonesia, 14 February 2019)

### <Indonesia> Mark Case: “KEEN”

The Supreme Court, in “Peninjauan Kembali/PK” case of mark “Keen”, agree to cancel decision of Supreme Court No. 553 K/Pdt.Sus-HKI/2016 (appeal case). In the said PK case, the judges consider that the period of filing of the cancellation case of mark “Keen” to the commercial court by Keen Inc., (US company, plaintiff) had lapsed ( more than 5 years since the registration date).  
(Bisnis Indonesia, 19 February 2019)

### <Indonesia> Copyright Case: “World Cup 2014 Broadcasting Right”

Supreme Court, in case No. 793 K/Pdt.Sus-HKI/2018, decided that PT Ros in Hotel (defendant) infringed the copyright of PT Inter Sports Marketing (plaintiff) related to the broadcasting right of world cup 2014. Supreme Court agree that the plaintiff is the

only party who has the right to broadcast the world cup 2014 in the territory of Indonesia. In this case, the defendant is asked to pay Rp. 100 million to the plaintiff for compensation.  
(Bisnis Indonesia, 25 February 2019)

### **<Indonesia> Marks Case of “Pro Matsunaga”**

Responding the Supreme Court decision No. 972K/Pdt/Sus-HKI/2017 that had cancelled the registration of his marks (“Pro Matsunaga” No.IDM000477031, IDM000491467 and “logo” No.IDM000443216 in class 9), Lie Senihian (defendant) states the he had filed the “Peninjauan Kembali” to Supreme Court in 1997. However, until this point of time he has not received any further development of this case from the Supreme Court.  
(Bisnis Indonesia, 1 March 2019)

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

In Case No 248 PK/Pdt/Sus-HKI/2018, Supreme Court decides to refuse Peninjauan Kembali (PK) submitted by Kho Theng Tian (defendant) and agrees to the decision of previous court that cancelled the registration of mark “K. Brothers Cosmetic” (class 5) owned by defendant because it has similarity with marks “K. Brothers” owned by &K International Co., Ltd. (plaintiff).  
(Bisnis Indonesia, 11 March 2019)

### **<Indonesia> UPDATE: DELETION OF MARK “K-FEE”**

According to decision of Supreme Court in Peninjauan Kembali (PK) case No. 234 PK/Pdt/Sus-HKI/2018 dated 23 January 2019, the PK submitted by PT Agel langgeng (defendant) was refused and the mark “K-FEE” No. IDM000359820 owned by defendant is remained to be deleted because it was not used in 3 years consecutively and it was not used as the registered version. Further, the mark “K-FEE” is owned by K-Fee System GmbH (plaintiff).  
(Bisnis Indonesia, 18 March 2019)

### **<Indonesia> Copyright Case: “SAKU”**

In case No. 18/Pdt.Sus-H.C/2019/PN.Niaga.Jkt.Pst, Bambang Widodo and Endang Trido Rubyati S. (plaintiffs) asks Commercial Court of Central Jakarta to decide that the saving concept "SAKU" owned by PT Sumber Alfaria Trijaya Tbk (defendant, owner of famous retail stores "Alfamart/Alfamidi") is infringing their copyright No. 053733 of saving concept "TAPI" ( Tabungan Anak Pintar Indonesia).  
(Bisnis Indonesia, 15 April 2019)

### **<Indonesia> Mark Case: “Cristaline”**

Supreme Court, in appeal case of mark “Cristaline”, refused the argument of the PT pepper Tree Investama (plaintiff) and agree with the decision of the previous court that refused to delete the registration of mark “Cristaline” owned by Gie Cristaline (French company, defendant) because the said mark is still in use and the protection period has been renewed.  
(Bisnis Indonesia, 23 April 2019)

### **<Indonesia> Supreme Court Decision on Cancellation Case of Mark “Novec”**

In Case No 160 K/Pdt/Sus-HKI/2019, Supreme Court agrees with the decision of previous court that cancelled the registration of mark “Novec 1230” (IDM000487501, class 9; IDM000487594, class 35; and IDM000487620, class 38) owned by Dewi Nilasari (defendant) because it has similarity with well-known mark “Novec” owned by 3M Company (plaintiff).  
(Bisnis Indonesia, 24 May 2019)

**<Indonesia> Patent Case: “Deletion of ID S0001165”**

Supreme Court, in cassation case No. 21 K/Pdt.Sus-HKI/2018/PN.Niaga.Jkt.Pst. regarding deletion of simple patent, refused the argument of the Directorate of Patent (defendant) and agree with the decision of the commercial court that cancelled the decision of Directorate of patent which deleted patent No. ID S0001165 owned by PT Starmas Inti Aluminium Industry (plaintiff) because its the annuity fee was not paid. Judges consider that circulation letter attached in DGIP website cannot be categorized as a form of notification because it is not stipulated in Art. 134 (2) of the Patent Law.  
(Bisnis Indonesia, 27 May 2019)